

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY

Valley Regional Office

4411 Early Road - P.O. Box 3000

Harrisonburg, VA 22801

SUBJECT: Tyco Electronics Corp.
VAD098444474

TO: File

FROM: K. Andrew Wilmer
Environmental Specialist Senior

DATE: June 5, 2002

✓ COPIES: Dan Gwinner

On June 5, 2002, staff with the Waste Program attempted to inspect Tyco Electronics Corp. located at 1175 N. Main Street in Harrisonburg, Virginia. Apparently this facility has closed and currently the building is vacant. No hazardous waste is being generated at this location.

Tyco Electronics Corp. was listed as a LQG of hazardous waste. Please deactivate this facility in RCRIS.

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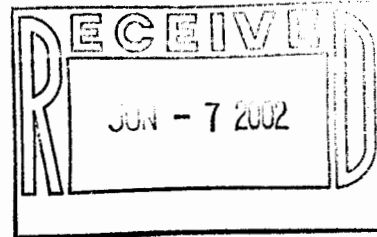
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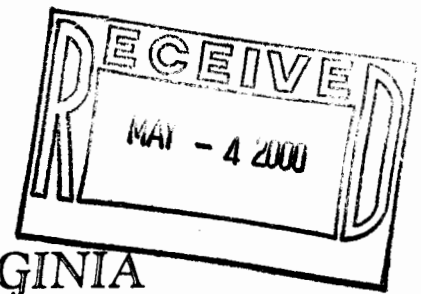
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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Valley Regional Office

James S. Gilmore, III
Governor

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Telephone (540) 574-7800 Fax (540) 574-7878
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Dennis H. Treacy
Director

John Paul Woodley, Jr.
Secretary of Natural Resources

R. Bradley Chewning, P.E.
Valley Regional Director

May 3, 2000

Mr. Bret Westcott
Environmental Coordinator
Tyco Electronics (AMP Inc.)
1175 N. Main Street
Harrisonburg, Virginia 22802

**Re: Compliance Evaluation Inspection
Tyco Electronics (AMP Inc.)
EPA ID# VAD098444474**

Dear Mr. Westcott:

Thank you very much for your cooperation during the Hazardous Waste Management compliance inspection conducted at the above referenced facility on April 18, 2000. During the inspection, the facility was inspected to evaluate compliance with the Virginia Hazardous Waste Management Regulations (VHWMR), 9 VAC 20-60-10 et seq. The facility was inspected in regard to large quantity generator requirements. Based upon review of observations, responses, and documents obtained as a result of this inspection, it appears that your facility was in substantial compliance with the VHWMR.

As discussed with you during the inspection, enclosed you will find an EPA form 8700. Please fill out this form and return it to my attention so that DEQ may process the change of ownership information for your facility.

If you should have any questions about the content of this letter, please do not hesitate to call me at (540) 574-7849. Thank you again for your cooperation.

Sincerely,

K. Andrew Wilmer
Environmental Inspector Senior

\ad
Enclosures

Cc: Steve Frasier

January 1994

DEPARTMENT OF ENVIRONMENTAL QUALITY WASTE DIVISION

SURVEY SHEET FOR INSPECTION OF HAZARDOUS WASTE FACILITIES

NAME of FACILITY: Tyco Electronics (AMP Inc.)

ADDRESS: 1175 N. Main Street
Harrisonburg, Virginia 22802

EPA ID NUMBER: VAD098444474

**FACILITY
REPRESENTATIVE:** Mr. Bret Westcott

TITLE: Environmental Coordinator

TELEPHONE NUMBER: (540) 564-6427

INSPECTOR'S NAME: K. Andrew Wilmer

TITLE: Environmental Inspector Senior

DATE of INSPECTION: April 18, 2000

-
1. What is the business activity of the firm? (i.e., furniture mfg., metal plating, recycling, etc.)

Manufacturer of electrical & electronic Connection devices
Metal Plating & assembly

2. Give a brief description of the waste stream(s) [by chemical name, if possible] and hazardous waste code(s) generated by the firm.

Hazardous waste liquid [F006, F007]

Hazardous waste solids (arsenic, selenium) [F006, F007]

Waste corrosive liquid (methylsulfonic acid, lead fluoroborate) [D002]

Waste phosphoric acid [D002]

Waste aluminum powder [D001]

Waste batteries [D002]

Waste cyanide [F007]

Waste potassium cyanide [F009]

Waste flammable liquids [F003]

Nickel hydroxide, Tin Hydroxide [F006]

3. List the highest amounts of hazardous waste ever generated in any month of the calendar year and the greatest amount ever accumulated at the site of each type of waste generated.

Waste Code	Amount Generated	Amount Accumulated
D002	4400 lbs	4400 lbs
D002 (phosphoric)	1400 lbs	1400 lbs
F006,F007 (solid)	730 lbs	730 lbs
F006,F007 (liq.)	513 lbs	513 lbs
F007	1200 lbs	1200 lbs
F009	1200 lbs	1200 lbs
F003	2000 lbs	2000 lbs
WWT waste	7500 lbs	7500 lbs

4. Does the facility ever generate greater than:
1 kg. of acutely toxic waste (P listed waste or F020-F023 and F026-F027)? YES NO

100 kg of clean-up from a spill of P listed waste or F020-F023 and F026-F027 waste? YES NO

If yes, then the facility is a large quantity generator.

5. How is the waste presently being handled? Where is it sent?
(List all transporters and facilities, or on-site treatment performed).

TRs: Onyx Environ. Services [NJD080631369]
Tri-State Motor Transit [MOD095038998]
St. Joseph Motor Lines [PAD987358587]
Freehold Cartage [NJD054126164]
TSDs: E.I. DuPont Denemours & Co. [NJD002385730]
Onyx Environ. Services [NJD980536593]
Marisol Inc. [NJD002454544]
Sabin Metals Corp. [NYD067919340]
CWM Chemical Services [NYD049836679]
Advanced Chemical Co. [RID059735761]
World Resources Mgmt [PAD981038227]

6. Does the facility generate any hazardous waste that is excluded from regulation? If yes, list the waste and the basis for exclusion. YES NO

7. Does the facility:

Generate

Market

Burn

used oil that is burned for energy recovery? Underline or circle all that are applicable. (If the facility markets or burns used oil, fill out the Used Oil Checklist.)

YES NO

Does the generator of used oil to be burned for energy recovery (other than a Conditionally Exempt Small Quantity Generator) mix the used oil with hazardous waste? If YES, then fill out the Used Oil Checklist.

Used oil is picked up by Onyx

8. Does the facility generate any hazardous waste that is reclaimed that is reclaimed to recover economically feasible amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these? YES NO

If Yes, list the waste, where it is sent, and complete the Metals Recovery Checklist.

9. Does the facility generate, transport, store, collect or reclaim spent lead-acid batteries? If yes, Underline or circle all that are applicable. If the facility stores batteries before reclaiming them, complete the Metals Recovery Checklist. YES NO

10. Based on the above, the facility is a:

- a. conditionally exempt small quantity generator
- b. small quantity generator
- c. generator
- d. permitted or interim status TSD
- e. unpermitted TSD (explain in comments section)
- f. transporter
- g. other: please explain _____

[Underline or Circle All That Are Applicable]

11. Check accumulation times and quantities for the three types of generators. If the times or quantities are exceeded, then the facility is moved up to the next category. Complete the appropriate checklist(s).

A conditionally exempt small quantity generator can accumulate for an indefinite period of time until he has accumulated 1000 kg (approx. 5-55-gallon drums) of non-acute hazardous waste, at which time the accumulation time (180 days or 270 days) for small quantity generators begin.

Small quantity generators can accumulate hazardous waste for up to 180 days or 270 days if the disposal site is over 200 miles away (in containers and tanks only). However, if at any time over 6000 kgs of waste is accumulated, then the small quantity generator becomes a generator, or an unauthorized facility, as applicable.

12. List each container and tank accumulation area. Specify the number and capacity of each tank and container. [Note: Include any satellite accumulation areas. Verify that only 55 gallons of any particular hazardous waste code (or one quart of acutely toxic waste) is at that area.]

Location	Number of Containers	Number of Tanks	Capacity
Satellite area (Plating room)	4 @ 55 gallon		220 gallon
<u>90 Day</u>			
Acid Room	4 @ 55 gallon		220 gallon
Gold Scrap Room	10 @ 55 gallon		550 gallon
Flammable Room	0		0
WWT	2 @ 3750 lbs		7500 lbs

13. Comments

14. Waste Management Flow Diagram:

(On this page sketch a brief, but detailed, flow diagram that includes how and where the waste is generated, the steps through a treatment system (if any), the steps through storage including satellite accumulation areas. Do this for each waste stream including excluded hazardous waste. Include any wastewater treatment facilities at the company, and verify the type of units included in the system, and any hazardous waste streams going to WWT.)

See attached

5. GENERATORS CHECKLIST

NA = Not Applicable, NC = Non-Compliance

40 CFR CITATION	REGULATION	YES	NO	NA	NC
	SECTION A – MANIFEST				
262.20	1. Does generator ship waste off-site?	X			
262.20	2. Does generator use manifest?	X			
	a. If no, is generator a small quantity generator (generating between 100 and 1000 kg/month?) NOTE: SQGs are only exempt if wastes are reclaimed. (See §262.20(e).)			X	
	1. If yes, does generator indicate this when sending waste to a TSD facility?			X	
Part 262 Appendix	b. If yes, does manifest include the following information?				
	1. Manifest document no.	X			
	2. Generator's name, mailing address, telephone no.	X			
	3. Generator EPA I.D. no.	X			
	4. Transporter Name(s) and EPA I.D. no.(s)	X			
	5. Facility name, address, and EPA I.D. no.	X			
	6. Alternate facility name, address, and EPA I.D. no.	X			
	7. Instructions to return to generator if undeliverable	X			
	8. Waste information required by DOT – shipping name, quantity (weight or vol.), containers (type and number)	X			
	9. Emergency information (optional) (special handling instructions, telephone no.)	X			
	10. Is the following certification on each manifest form? "This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable national and international regulations."	X			
262.40	11. Does generator retain copies of manifests? If yes, complete a through g. (§262.23)	X			
	a. Did generator sign and date all manifests?	X			

40 CFR CITATION	REGULATION	YES	NO	NA	NC
	b. Did generator obtain handwritten signature and date of acceptance from initial transporter?	X			
262.40	c. Does generator retain one copy of manifest signed by generator and initial transporter?	X			
262.40	d. Do returned copies of manifest include facility owner/operator signature and date of acceptance?	X			
262.42	12. Have manifests been received from the TSD facility for any waste, which was shipped over 45 days ago?	X			
	a. If no, has the generator filed an exception report?			X	
	b. Does the exception report include:				
	1. a legible copy of the manifest for which the generator does not have confirmation of the delivery? and			X	
	2. a cover letter explaining the efforts taken to locate the shipment?			X	
262.11	SECTION B – HAZARDOUS WASTE DETERMINATION				
	3. Does generator generate solid waste(s) listed in Subpart D (List of Hazardous Waste)?		X		
	4. Does generator generate solid waste(s) listed in Subpart C that exhibit hazardous characteristics (corrosivity, ignitability, reactivity, TC)?		X		
	a. Does generator determine characteristics by testing or by applying knowledge of processes?	X			
	1. If determined by testing, did generator use test methods in Part 261, Subpart C (or equivalent)?			X	
262.11	5. Has the generator evaluated all solid wastes to determine whether the solid wastes are hazardous wastes?	X			
	SECTION C – PRETRANSPORT REQUIREMENTS				
262.30	6. Does generator package waste in accordance with 49 CFR 173, 178, and 179 (DOT requirements)?	X			
	a. Are containers to be shipped leaking or corroding?		X		
	b. Complete Checklist 4. Containers to evaluate condition of containers.				

40 CFR CITATION	REGULATION	YES	NO	NA	NC
	c. Is there evidence of heat generation from incompatible wastes in the containers?		X		
262.31	7. Does generator follow DOT labeling requirements in accordance with 49 CFR 172?	X			
262.32	8. Does generator mark each package in accordance with 49 CFR 172?	X			
262.32	9. Is each container of 110 gallons or less marked with the following label? HAZARDOUS WASTE - Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.	X			
	a. Generator name(s) and address(es)	X			
	b. Manifest document No.	X			
262.33	10. Does generator have placards to offer to transporters?	X			
262.34	11. Accumulation time				
	a. Are containers used to temporarily store waste before transport?	X			
262.34(a)(2)	1. If yes, is each container clearly dated.	X			
262.34(a)(3)	2. If yes, is each container labeled or clearly marked with the words "Hazardous Waste?"	X			
262.34(c)(1)	12. Does the generator have satellite accumulation areas where up to 55 gallons of any one type of hazardous waste (HW) (1qt acutely HW) are accumulated? If yes,	X			
262.34(c)(1)(ii)	a. Are the containers marked with the words "Hazardous Waste" or other words that identify the contents of the container?	X			
262.34(c)(1)	13. Are amounts in excess of those allowed being accumulated in the satellite accumulation area? If yes,		X		
	a. Has the generator marked the excess amount with the date the excess amount began accumulating? and			X	
	b. Has the generator either removed the excess amount within three days of the date of excess accumulation or has the generator complied with all other provisions for accumulation areas. Namely, has the generator notified the Executive Director about the location of the accumulation area?			X	
262.40	SECTION D – RECORDKEEPING AND RECORDS				
	14. Does generator keep the following reports for 3 years?				
	a. Manifest or signed copies from designated facilities	X			
	b. Biennial reports	X			
	c. Exception reports	X			

40 CFR CITATION	REGULATION	YES	NO	NA	NC
	d. Test results	X			
	15. Where are the records kept (at facility or elsewhere)?	At facility			
	SECTION E – SPECIAL CONDITIONS				
	16. Has the primary exporter received from or transported to a foreign source any hazardous waste?		X		
262.53	a. If yes, has he filed a notice with the Regional Administrator?			X	
262.54	b. Is this waste manifested and signed by a foreign consignee?			X	
262.54	c. If generator transported wastes out of the country, has he received confirmation of delivered shipment?			X	
268	SECTION F – LDR REQUIREMENTS				
	17. Does the facility generate, transport, treat, store or dispose any land-restricted wastes?	X			
	18. Is land disposal of wastes occurring? If yes,		X		
	a. Has the facility been granted an extension to the effective date for land restriction applicable to its restricted waste? OR			X	
	b. Has the facility been granted an exemption from prohibition pursuant to a petition for those land-restricted wastes and units covered by the petition? OR			X	
	c. Are the wastes hazardous only because they exhibit a hazardous characteristic and are they disposed outside the Commonwealth into an injection well without exhibiting any prohibited characteristic of hazardous waste at the point of injection?			X	
268.5	19. Has the owner/operator submitted an application for case-by-case extension to the effective date of any applicable restriction?			X	
268.6	20. Has the owner/operator been granted a petition seeking an exemption from a prohibition for the disposal of hazardous waste in a particular unit or units?			X	
268.3	21. Are facility representatives diluting the restricted waste or residual from treatment of the restricted waste as a substitute for adequate treatment, to circumvent the effective date of prohibition, to otherwise avoid a prohibition, or to circumvent a land disposal prohibition?		X		

40 CFR CITATION	REGULATION	YES	NO	NA	NC
268.4	22. Is the facility treating land-restricted wastes in a surface impoundment or series of surface impoundments? (Note: Evaporation of hazardous constituents in a surface impoundment as the principal means of treatment is not considered to be an acceptable form of treatment for land restricted wastes.)		X		
	23. If yes, complete Check Sheet 12. Surface Impoundments.				
	24. Is the facility treating waste in tanks or containers in order to meet applicable treatment standards under 268.40?		X		
268.7(a)(4)	a. If yes, has the facility developed a Waste Analysis Plan?			X	
268.7(a)(4)(ii)	b. Has the Waste Analysis Plan been filed with the Director a minimum of 30 days prior to the treatment activity?			X	
268.7(a)(1)	25. For restricted wastes, which the generator is managing, for which he has not met the applicable treatment standards, has the generator accompanied each shipment of waste with a notification to the treatment facility of the appropriate treatment standards and any applicable prohibitions?	X			
	26. Did the notification include the following information:				
268.7(a)(1)(i)	a. EPA Hazardous Waste Number?	X			
268.7(a)(1)(ii)	b. The waste constituents that the treater will monitor, if monitoring will not include all regulated constituents?	X			
268.7(a)(1)(iii)	c. The manifest number associated with the shipment of waste? and	X			
268.7(a)(1)(v)	d. Waste analysis data, where available?	X			
268.7(a)(2)	27. For restricted wastes which the generator has determined can be land disposed without further treatment, has the generator accompanied each shipment of waste with a notification and certification to the land disposal facility that the waste meets the applicable treatment standards set forth in subpart D of this part and the applicable prohibitions set forth in 268.32 or RCRA section 3004(d)?			X	
	28. Did the notification include the following information:				
268.7(a)(2)(i)(A)	a. EPA Hazardous Waste Number?			X	
268.7(a)(2)(i)(B)	b. The waste constituents that the treater will monitor, if monitoring will not include all regulated constituents?			X	
268.7(a)(2)(i)(C)	c. The manifest number associated with the shipment of waste? And			X	

40 CFR CITATION	REGULATION	YES	NO	NA	NC
268.7 (a)(2)(i)(D)	d. Waste analysis date, where available?			X	
268.7(a)(2)(ii)	29. Was the certification signed by an authorized representative, and did it state the following: "I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 40 CFR Part 268 Subpart D and all applicable prohibitions set forth in 40 CFR 268.32 or RCRA section 3004(d). I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment."			X	
268.7(a)(3)	30. Has the generator received a case-by-case exemption on restricted waste, been granted an exemption through petition, or those wastes subject to a national variance, has the generator forwarded notice with the waste to the land disposal facility stating that the waste is exempt from the land disposal restrictions?			X	
268.7(a)(7)	31. Does the generator retain on-site copies of all notices, certifications, demonstrations, waste analysis data, and other documentation for at least five years from the date the waste was last sent to on-site or off-site treatment, storage or disposal?	X			
	32. Is the generator storing land-restricted waste? (For one year storage only)	X			
	33. If yes, is the storage on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal?	X			

COMMENTS:

4. CONTAINERS CHECKLIST

NA = Not Applicable, NC = Non-Compliance

40 CFR CITATION	REGULATION	YES	NO	NA	NC
264/5.171	SECTION A - USE AND MANAGEMENT				
	1. Are containers in good condition?	X			
264/5.172	SECTION B - COMPATIBILITY OF WASTE WITH CONTAINER				
	2. Is container made of a material that will not react with the waste which it stores?	X			
264/5.173	SECTION C - MANAGEMENT OF CONTAINERS				
	3. Is container always closed while holding hazardous waste?	X			
	4. Is container not opened, handled, or stored in a manner which may rupture it or cause it to leak?	X			
264/5.174	SECTION D - INSPECTIONS				
	5. Does owner/operator inspect containers at least weekly for leaks and deterioration?	X			
264/5.176	SECTION E - IGNITABLE AND REACTIVE WASTES				
	6. Are containers holding ignitable and reactive waste located at least 15 m (50 ft) from facility property lines?	X			
	PERMITTED FACILITIES ONLY				
264/5.177	SECTION F - INCOMPATIBLE WASTE				
	7. Are incompatible wastes or materials placed in the same containers?		X		
	8. Are hazardous wastes placed in washed, clean containers when they previously held incompatible waste?			X	
	9. Are incompatible hazardous wastes separated from each other by a berm, dike, wall, or other device?	X			
264.178	SECTION G - CLOSURE				
	10. Do container storage areas have a containment system?	X			
	11. At closure, were all hazardous wastes and associated residues removed from the containment system?			X	

COMMENTS:

7. HEALTH & SAFETY CHECKLIST

NA = Not Applicable, NC = Non-Compliance

40 CFR CITATION	REGULATION	YES	NO	NA	NC
264/265.16(a)(1)	SECTION A - OUTLINE OF PERSONNEL TRAINING PROGRAM				
	1. Does the facility have a written training program?	X			
264/5.16(c) and (d)(3)	2. Does the program consist of:				
	a. strictly classroom instruction?		X		
	b. strictly on-the-job training?		X		
	c. classroom instruction AND on-the-job training?	X			
	3. Is an annual refresher course required for personnel whose positions at the facility are related to hazardous waste management?	X			
264/265.16(d)(1) and (2)	SECTION B - JOB TITLE/JOB DESCRIPTION				
	4. Is a job title provided for each employee whose position at the facility is related to hazardous waste management?	X			
	5. Is a job description provided for each employee whose position at the facility is related to hazardous waste management?	X			
264/265.16(a)(2)	SECTION C - TRAINING DIRECTOR				
	6. Is the training program directed by a person trained in hazardous waste management?	X			
264/265.16(a)(2)	SECTION D - RELEVANCE OF TRAINING TO JOB POSITION				
	7. Are facility personnel instructed in hazardous waste management procedures (including contingency plan implementation) relevant to their positions?	X			
264/265.16(a)(3)	SECTION E - TRAINING AND EMERGENCY RESPONSE				
	8. Does the training program include the following emergency response procedures where applicable?				
	a. Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment?	X			
	b. Key parameters for automatic waste feed cut-off systems?	X			
	c. Procedures for utilizing communications or alarm systems?	X			
	d. Directions for responding to fires or explosions?	X			
	e. Procedures for groundwater contamination response?			X	
	f. Procedures for conducting shutdown operations?	X			

40 CFR CITATION	REGULATION	YES	NO	NA	NC
264/265.16(b), (d)(4) and (3)	SECTION F - IMPLEMENTATION OF TRAINING PROGRAM				
	9. Are all facility personnel trained within six months of their employment or assignment to the facility or transfer to a new position?	X			
	10. Are facility personnel allowed to work unsupervised before their training program has been completed?	X			
	11. Are records maintained which document that the required training has been given to and completed by facility personnel?	X			
264/265.33	SECTION G - TESTING AND MAINTENANCE OF EQUIPMENT				
	12. Does the owner/operator test and maintain (as necessary to assure its proper operation in time of emergency) the following equipment:				
	a. All communications or alarm systems?	X			
	b. Fire protection equipment?	X			
	c. Spill control equipment?	X			
	d. Decontamination equipment?	X			
264/265.15	SECTION H - GENERAL INSPECTION REQUIREMENTS (PERMITTED FACILITIES ONLY)				
	13. Does the owner/operator maintain a written schedule at the facility for the inspection of:				
	a. Monitoring equipment?	X			
	b. Safety and emergency equipment?	X			
	c. Security devices?	X			
	d. Operating and structural equipment?	X			
	e. Types of problems with equipment:	X			
	1. Malfunction	X			
	2. Operator error	X			
	3. Discharges	X			
	14. Does the schedule identify the types of problems to look for?	X			
	15. Is the frequency of inspection based on the possible deterioration of equipment and the probability of incident?	X			
	16. Are areas subject to spills, such as loading and unloading areas, inspected daily?	X			
	17. Does the owner/operator maintain an inspection log? If yes, does the log include:	X			
	a. Date and time of inspection?	X			
	b. Name of inspector?	X			
	c. Notations of observations?	X			
	d. Date and nature of repairs or remedial actions?	X			
	18. Have any malfunctions or other problems not been remedied? (Summarize in comments section.)		X		
264/265.35	SECTION I - REQUIRED AISLE SPACE				

40 CFR CITATION	REGULATION	YES	NO	NA	NC
	19. Does the facility maintain aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment?	X			
	20. If aisle space is not maintained, has the owner/operator demonstrated to the Regional Administrator that the space is not needed?			X	
264/265.32	SECTION J - EQUIPMENT REQUIREMENTS				
	21. Is there evidence of fire, explosion, or contamination of the environment? If yes, explain in the comment section.		X		
	22. Is the facility equipped with the following:				
	a. An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel?	X			
	b. A device such as a telephone (immediately available) or handheld two-way radio capable of summoning emergency assistance from police, fire, or state or local emergency response teams?	X			
	c. Portable fire extinguishers?	X			
	d. Fire control equipment (including special extinguishing equipment such as foam, inert gas, or dry chemical)?	X			
	e. Spill control equipment?	X			
	f. Decontamination equipment?	X			
	g. Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems?	X			
264/265.17(a) and (b)	SECTION K - REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES (PERMITTED FACILITIES ONLY)				
	23. Does the facility handle ignitable or reactive waste? If yes:	X			
	a. Does the owner/operator take the following precautions to prevent accidental ignition or reaction of wastes: Separate and protect ignitable or reactive wastes from sources of ignition or reaction (open flames, smoking, cutting, welding, hot surfaces, frictional heat, static electrical or mechanical sparks, spontaneous ignition, and radiant heat)?	X			
	24. Does the owner/operator confine smoking and open flames to specially designated locations, while ignitable or reactive waste is being handled?	X			
	25. Are "No Smoking" signs placed conspicuously wherever there is a hazard from ignitable or reactive waste?	X			
	26. Does the owner/operator have procedures in place to prevent accidental ignition or reaction of wastes?	X			

40 CFR CITATION	REGULATION	YES	NO	NA	NC
264/265.50 through §265.56	SECTION L - CONTINGENCY PLAN				
	27. Does the owner/operator have a Contingency Plan, or a Spill Prevention Control and Counter measures (SPCC) Plan, or some other emergency plan, that is amended for hazardous waste management?	X			
	28. Is a copy maintained at the facility?	X			
	29. Has a copy been submitted to all local police and fire departments, hospitals, and State and local emergency response teams?	X			
	30. Does the plan describe the control procedures taken in the event of a fire, explosion, or release?	X			
	31. Does the plan describe how and when it will be implemented?	X			
	32. Does the plan describe arrangements agreed to by local police and fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services?	X			
	33. Does the plan list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinators?	X			
	34. Is one person named as the primary coordinator?	X			
	35. Does the coordinator have the authority to commit the resources to carry out the emergency plan?	X			
	36. Does the plan physically describe and identify the location of all emergency equipment at the facility?	X			
	37. Does the plan include provisions to ensure that the equipment is cleaned and fit for its intended use before operations are resumed?	X			
	38. Does the plan include an evacuation plan for facility personnel?	X			
	39. Does the plan describe:				
	a. Signal(s) to be used to begin evacuation?	X			
	b. Evacuation routes?	X			
	c. Does the plan describe the methodology for immediate notification of:				
	1. Facility personnel?	X			
	2. State or local agencies with designated response roles?	X			
	40. Does the plan include procedures for identification of released materials?	X			
	41. Does the plan include procedures/criteria to assess possible hazards to human health and the environment that may result from the release, fire, or explosion?	X			
	42. Does the plan describe all reasonable measures necessary to ensure that fires, explosions, or releases do not occur, reoccur, or spread to other hazardous waste at the facility?	X			

40 CFR CITATION	REGULATION	YES	NO	NA	NC
	43. Does the plan describe procedures to monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment if the facility stops operation in response to a fire, explosion, or release?			X	
264/265.37	SECTION M - NECESSARY AGREEMENTS WITH LOCAL AUTHORITIES				
	44. Has the owner/operator made the following arrangements:				
	a. Familiarized police, fire departments, and emergency response teams with the layout of the facility and associated hazards?	X			
	b. Designated one police and fire department with primary emergency authority when more than one might respond?	X			
	c. Agreements with State emergency response teams, contracts, and equipment supplies?	X			
	d. Familiarized local hospitals with the properties of waste handled at the facility and the types of injuries or illness that could result?	X			
	45. Where authorities decline to enter into such arrangements, has the owner/operator documented the refusal?			X	

COMMENTS:

V:A:D:0:9:8:4:4:4:7:4

If YES, the handler section must be completed

Handler Name: Tyco Electronics (AMP Inc.)

Street: 1175 N. Main Street

City: Harrisonburg

State: VA

Zip Code: 22802

County or County Code: Rockingham

Contact: Mr. Bret Westcott

UNIVERSE CHANGE REQUIRED: YES ☒ NO ☐ (If YES, please indicate Universe Status of the RCRA Non-Hazardous Waste Site)

I. Indicate the facility's current Universe(s):

LQG

II. Indicate the new RCRA Generator Universe:

LQG ☒ SQG ☐ CEG ☐NON-HANDLER ☐CLOSED ☐

NOTE: ASTSD exhibits changes must be handled by the state data coordinator and cannot be made using this form

III. Indicate the new transporter status:

Transporter ☐

You must check at least one of the boxes

Mark Mode of Transportation

☐ Air ☐ Water
☐ Rail ☐ Other
☐ Highway
Non-Transporter ☒

Check this box if the facility is currently listed in RCRA as a transporter and no longer transports hazardous waste.

EVALUATION: Add ☐ Change ☐ Delete ☐

Date	Number	Agency	Type	Reason	Branch	Person
04/18/00		S	CEI		V.R.	V.A.K.A.W.

AREAS OF EVALUATION (E - Evaluated NE - Not Evaluated NA - Not Applicable)

GGR <input checked="" type="checkbox"/>	GSC <input checked="" type="checkbox"/>	TWD <input type="checkbox"/>	DGW <input type="checkbox"/>	DOR <input type="checkbox"/>	DWP <input type="checkbox"/>	BRR <input type="checkbox"/>	FEA <input type="checkbox"/>
GLB <input checked="" type="checkbox"/>	GSQ <input checked="" type="checkbox"/>	DCH <input type="checkbox"/>	DLB <input type="checkbox"/>	DPB <input type="checkbox"/>	DIN <input type="checkbox"/>	BPS <input type="checkbox"/>	CSS <input type="checkbox"/>
GMR <input checked="" type="checkbox"/>	GEX <input checked="" type="checkbox"/>	DCL <input type="checkbox"/>	DLF <input type="checkbox"/>	OPP <input type="checkbox"/>	DIA <input type="checkbox"/>	BIS <input type="checkbox"/>	UOR <input type="checkbox"/>
GOR <input checked="" type="checkbox"/>	TGR <input type="checkbox"/>	DCP <input type="checkbox"/>	DLT <input type="checkbox"/>	DSI <input type="checkbox"/>	DPS <input type="checkbox"/>	BCE <input type="checkbox"/>	SCC <input type="checkbox"/>
GPT <input checked="" type="checkbox"/>	TMR <input type="checkbox"/>	DFR <input type="checkbox"/>	DMC <input type="checkbox"/>	DTR <input type="checkbox"/>	DOP <input type="checkbox"/>	BDT <input type="checkbox"/>	
GRR <input checked="" type="checkbox"/>	TOR <input type="checkbox"/>	DGS <input type="checkbox"/>	DMR <input type="checkbox"/>	DTT <input type="checkbox"/>	DMI <input type="checkbox"/>	CAS <input type="checkbox"/>	

Comments: No violations found

OUTSTANDING VIOLATIONS COVERED BY ABOVE EVALUATION: Add ☐ Change ☐ Delete ☐

Agency	Number	Area	Date Determined	Agency	Number	Area	Date Determined

VIOLATION: Add ☐ Change ☐ Delete ☐ Link to Above Evaluation? (Y/N) ☐

Agency	Number	Area	Class	Regulation Type	Regulation Citation	Date Determined	Priority	Branch	Person	Returned to Compliance Scheduled	Actual

Comments:

☐ Required ☐ Required if pertinent ☐ Required only for previously reported data ☐ Not Required by EPA

6/12/00

Agency	Number	Area	Class	Regulation Type	Regulation Citation
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
Date Determined	Priority	Branch	Person	Scheduled	Returned to Compliance Actual
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Comments					

VIOLATIONS ☐ Add ☐ Change ☐ Delete ☐ Link to Above Evaluation ☐ (Y/N)

Agency	Number	Area	Class	Regulation Type	Regulation Citation
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
Date Determined	Priority	Branch	Person	Scheduled	Returned to Compliance Actual
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Comments					

VIOLATIONS ☐ Add ☐ Change ☐ Delete ☐ Link to Above Evaluation ☐ (Y/N)

Agency	Number	Area	Class	Regulation Type	Regulation Citation
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
Date Determined	Priority	Branch	Person	Scheduled	Returned to Compliance Actual
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Comments					

ENFORCEMENT ☐ Add ☐ Change ☐ Delete ☐ Link to Above Evaluation ☐ (Y/N)

Date	Number	Agency	Type	Branch	Person	Attorney Initials
<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Docket Number <input type="text"/>						

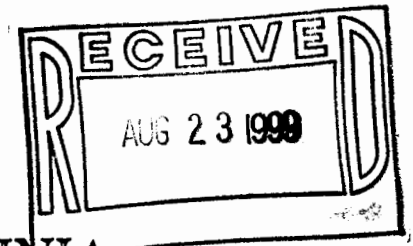
Penalty Type	Penalty Amount	Multimedia Enforcement Codes (Place an 'X' next to all that apply)	
<input type="text"/>	\$ <input type="text"/>	<input type="checkbox"/> AIR	<input type="checkbox"/> UST
<input type="text"/>	\$ <input type="text"/>	<input type="checkbox"/> EPCRA	<input type="checkbox"/> UIC
		<input type="checkbox"/> FIFRA	<input type="checkbox"/> WATER
		<input type="checkbox"/> SPCC	<input type="checkbox"/> WETLANDS
		<input type="checkbox"/> TSCA PCB	

NOTE: To record activities for Supplemental Environmental Projects (SEPs) or to add penalty payment information, use the Supplemental Enforcement Form.

Comments

VIOLATIONS COVERED BY ABOVE ENFORCEMENT ACTION

Agency	Number	Area	Date Determined	Agency	Number	Area	Date Determined
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Valley Regional Office

James S. Gilmore, III
Governor

Street address: 4411 Early Road, Harrisonburg, Virginia 22801
Mailing address: P.O. Box 1129, Harrisonburg, VA 22801-1129
Telephone (540) 574-7800 Fax (540) 574-7878
<http://www.deq.state.va.us>

Dennis H. Treacy
Director

John Paul Woodley, Jr.
Secretary of Natural Resources

R. Bradley Chewning, P.E.
Valley Regional Director

August 16, 1999

AMP Incorporated
1175 N. Main Street
Harrisonburg, VA 22802

Attn: Bret L. Wescott, Environmental/Safety Coordinator

Dear Mr. Wescott,

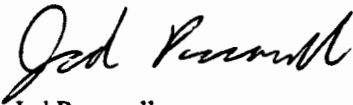
Our office is conducting a review of contingency plans for hazardous waste generators. Upon reviewing your revised contingency plan, dated May 21, 1999, we have noted apparent deficiencies:

- 9.2.F.1.a. The police, fire and emergency response teams must be familiar with the layout of the site, the properties of the hazardous waste handled at the site, normal working areas, entrances to roads inside the facility and possible evacuation routes.
- 9.2.F.1.b. Where more than one police and fire department might respond to an emergency, agreements must specify a primary emergency authority.
- 9.2.F.1.c. Agreements with Commonwealth emergency response teams, emergency response contractors, and equipment suppliers must be specified.
- 9.2.F.1.d. The local hospital must be familiar with the properties of the hazardous wastes handled and the types of injuries or illnesses which could result from fires, explosions, or releases.
- 9.3.B.3. The plan must contain a description of arrangements agreed to by local police departments, fire departments, hospitals, contractors and Commonwealth and local emergency response teams to coordinate emergency services, as required.
- 9.3.B.4. The plan must contain a listing of names, addresses, and office and home phone numbers of all persons qualified to act as emergency coordinator.
- 9.3.C.2. Copies of the contingency plan must be sent to all local police departments, fire departments, hospitals and Commonwealth and local emergency response teams.

Mr. Bret L. Wescott
August 16, 1999
Page 2

A previous revision of the plan, dated September 18, 1998, satisfies the requirements of 9.2.F.1.a., 9.2.F.1.b., 9.2.F.1.d., and 9.3.C.2, but the revision dated May 21, 1999, the most recent copy on file at our office, fails to address these requirements as well as the others listed above. The most recent version of the contingency plan should satisfy all of the above requirements. If AMP Incorporated has an updated version of the plan with information satisfying these criteria, please forward a copy of the plan to the Valley Regional Office of the Virginia Department of Environmental Quality at 441 I Early Road, Harrisonburg, VA 22801, fax #(540) 574-7844. Your timely response is appreciated. Should you have any questions regarding this request, feel free to contact me at (540) 574-7838.

Sincerely,

A handwritten signature in black ink, appearing to read "Jed Pascarella". The signature is fluid and cursive, with the first name "Jed" being more prominent.

Jed Pascarella
Environmental Inspector Senior

JEP:bf

Claire



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Valley Regional Office

James S. Gilmore, III
Governor

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Secretary of Natural Resources

Street address: 4411 Early Road, Harrisonburg, Virginia 22801
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Dennis H. Treacy
Director

R. Bradley Chewning, P.E.
Valley Regional Director

October 13, 1998

Mr. Bret Westcott
Environmental Coordinator
Amp Incorporated
1175 N. Main Street
Harrisonburg, VA 22801

Re: Compliance Evaluation Inspection: Amp Incorporated
EPA ID No. VAD 098444474 1175 N. Main Street, Harrisonburg

Dear Mr. Westcott:

Thank you very much for your cooperation during the Hazardous Waste Management compliance inspection conducted on September 2, 1998, at the above referenced facility. During this inspection, the facility was inspected to evaluate compliance with the Virginia Hazardous Waste Management Regulations (VHWMR), 9 VAC 20-60-10 *et seq.* The facility was inspected in regard to large quantity generator requirements. Based on a review of observations, responses, and documents obtained as a result of this inspection, it appears that your facility was in substantial compliance with the VHWMR.

Please call me at (540) 574-7850 if you have any questions about the enclosed items or any other waste management standards.

Sincerely,

A handwritten signature in cursive script, appearing to read "Russell Norman".

Russell Norman
Enforcement Compliance Specialist

Enclosures

cc: Ray F. Tesh, DEQ-VRO
Claire Ballard, DEQ-OTA
JES/File

DEPARTMENT OF ENVIRONMENTAL QUALITY WASTE DIVISION

CHECKLIST FOR HAZARDOUS WASTE INSPECTION OF LARGE QUANTITY GENERATORS (LQG)

FACILITY NAME: Amp Incorporated

EPA ID NUMBER: VAD98444474

INSPECTION DATE: September 2, 1998

NOTE: * means Non-Compliance

VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS

PART/ SECTION	REGULATION	YES	NO	N/A
6.3.	1. Is a manifest system currently being used for all hazardous waste shipped off site?	✓		
6.2.C.	2. Has the generator determined that the facility has an EPA ID number?	✓		
5.5.A.7.	3. Has the generator determined that the transporter has a valid EPA ID number and a valid Virginia Transporter permit?	✓		
6.3. 5.3.B.	4. Is the following information on the manifest:			
5.3.B.1.	A. The generator's name, mailing address, EPA ID number, and telephone number?	✓		
5.3.B.2.	B. A unique five digit number assigned to the manifest by the generator?	✓		
5.3.B.3.	C. The total number of pages of the manifest?	✓		
5.3.B.4.	D. The company name and EPA ID number of each transporter used?	✓		
5.3.B.5.	E. The company name, site address, and EPA ID number of the facility designated to receive the waste?	✓		
5.3.B.6.	F. The U.S. DOT description of each waste to include its proper shipping name, hazard class, and I.D. number (UN/NA) as identified in the Virginia Regulations Governing the Transportation of Hazardous Material?	✓		
5.3.B.7.	G. The quantities of waste being shipped? and	✓		

PART/ SECTION	REGULATION	YES	NO	N/A
5.3.C.	<p>H. The following certification:</p> <p>I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by (mode of transportation) according to applicable international and national governmental regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to a degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and environment. OR, If I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.</p>	✓		
6.5.C.1.b.	5. Have manifests been received from the TSD facility for any waste which was shipped over 45 days ago?	✓		
6.5.C.1.b.	6. If no, has the generator filed an exception report with the Executive Director?			✓
6.5.C.1.b.	7. Does the exception report include:			
6.5.C.1.b.(1)	A. A legible copy of the manifest for which the generator does not have confirmation of the delivery? and			✓
6.5.C.1.b.(2)	B. A cover letter explaining the efforts taken to locate the shipment?			✓
6.4.E.1.d. 9.1.G.1.	8. Have facility personnel successfully completed a program of classroom training or on-the-job training in hazardous waste management procedures?	✓		
9.1.G.2.	9. Have new employees to the facility successfully completed training mentioned above within six months of their employment or assignment to the facility?	✓		
9.1.G.3.	10. Do personnel participate in an annual review of the initial training?	✓		
9.1.G.4.	11. Does the owner/operator maintain the following documents and records at the facility:			SEE COMMENTS
9.1.G.4.a.	A. Job titles for each position at the facility related to hazardous waste management?	✓		
9.1.G.4.a.	B. The name of the employee filling each job?	✓		
9.1.G.4.b.	C. A written job description for each position in 11.A. above?	✓		
9.1.G.4.c.	D. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in 11.A. above? and,	✓		
9.1.G.4.d.	E. Records that document that the training or job experience required above has been given to, and completed by facility personnel?	✓		

PART/ SECTION	REGULATION	YES	NO	N/A
6.4.E.1.d. 9.2.B. 9.2.D.	12. At the facility, is the following equipment installed:			
9.2.B.1.	A. An internal communications or alarm system capable of providing immediate emergency instruction to facility personnel if the hazardous waste generation or accumulation areas are threatened by hazardous waste release, fire or explosion?	✓		
9.2.B.2.	B. A device (at the scene of hazardous waste generator operations) capable of summoning emergency assistance from Police, Fire Departments, etc.?	✓		
9.2.B.3.	C. Portable fire extinguishers, fire control equipment and decontamination equipment? and	✓		
9.2.B.4.	D. Water at adequate volume and pressure to supply expected fire demands, foam producing equipment, automatic sprinklers or water spray system?	✓		
9.2.C.	13. Is the above equipment tested and maintained as necessary to assure proper operation and is a record of the tests and inspections maintained on a log at the facility?	✓		
9.2.E.	14. Does the facility have adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment during emergencies?	✓		
6.4.E.1.d. 9.1.F.4.	15. Does the generator record inspections of the accumulation area at his facility in an inspection log?	✓		
9.2.F.1.	16. Has the facility attempted to arrange agreements with the local authorities such that:			
9.2.F.1.a.	A. The police, fire and emergency response teams are familiar with the layout of the site, the properties of the hazardous waste handled at the site, normal working areas, entrances to roads inside the facility and possible evacuation routes?	✓		
9.2.F.1.b.	B. Where more than one police and fire department might respond to an emergency, do agreements specify a primary emergency authority?	✓		
9.2.F.1.c.	C. Agreements with Commonwealth emergency response teams, emergency response contractors and equipment suppliers are specified? and	✓		
9.2.F.1.d.	D. The local hospital is familiar with the properties of the hazardous wastes handled and the types of injuries or illnesses which could result from fires, explosions, or releases?	✓		
6.4.E.1.d. 9.3.A.1.	17. Does the facility have an established contingency plan to deal with any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, ground water or surface water?	✓		

PART/ SECTION	REGULATION	YES	NO	N/A
9.3.B.	18. Does the contingency plan contain the following elements:			see comments
9.3.B.(1,2)	A. A detailed description of emergency procedures facility personnel will implement in response to fires, explosions, or unplanned releases of hazardous waste to air, soil, and water?	✓		
9.3.B.3.	B. A description of arrangements agreed to by local police departments, fire departments, hospitals, contractors and Commonwealth and local emergency response teams to coordinate emergency services, as required?	✓		
9.3.B.4.	C. A listing of names, addresses, and office and home phone numbers of all persons qualified to act as emergency coordinator? List primary Coordinator. NAME: Bret Wescott TITLE: Environmental Coordinator PHONE: Office 540-433-3200 Home 540-564-6427	✓		
9.3.B.5.	D. 1. A list of appropriate emergency equipment necessary to cope with emergencies at the generator facility?	✓		
9.3.B.5.	2. Does this list of emergency equipment specify the location and physical description of each item on the list and a brief outline of its capabilities?	✓		
9.3.B.6.	E. An evacuation plan for the generator facility where there is a possibility that evacuation could be necessary? and	✓		
9.3.C.2.	F. Have copies of the contingency plan been sent to all local police departments, fire departments, hospitals and Commonwealth and local emergency response teams? *** PLEASE LIST ON THE LAST PAGE UNDER "COMMENTS".	✓		
9.3.F.	19. Has the contingency plan ever been implemented?		✓	
9.3.F.(9,10)	20. If yes, was a written report filed with the Director within 15 days and were the Director and other required authorities properly notified before operations resumed?			✓
6.5.A.1., 2., & 3.	21. Does the generator retain copies of all manifests, annual reports, exception reports, test results, and waste analysis for at least three years?	✓		
6.5.B.1.	22. Has the facility submitted an annual report for the preceding calendar year by March 1?	✓		
6.4.E.7.	23. Does the generator who manages HW prohibited under Part XV treat waste in tanks and containers? If yes, must meet requirements of 6.4.E. and 15.1.G.1.d.		✓	
15.1.G.1.d.	24. If the generator treats waste in tanks or containers, has the generator developed a written waste analysis plan and kept on-site in the generator's records. Has the generator filed a plan with director at least 30 days prior to treatment.			✓

PART/ SECTION	REGULATION	YES	NO	N/A
6.5.D.	25. Has the generator ever submitted a release report if responsible for release of HW which threatens public health. (Must notify NRC, local Government, the Department.)			✓
6.4.E.2.	26. Does the generator accumulate (store) hazardous waste in containers or tanks on-site for greater than 90 days? If yes, interim status or a TSD permit is required. (Up to a 30 day extension may be granted by the Director.)		✓	
6.4.E.1.e.	27. Has the generator notified the Executive Director by March 1, 1988, of the exact location of the existing container and tank accumulation areas, and at least 15 days prior to use for subsequently established accumulation areas?	✓		
6.4.E.1.a.(1) 9.8.	28. The Use and Management of Containers for 90 Day Accumulation Areas:			
6.4.E.1.a 9.8.B.	29. Are all containers holding hazardous waste in good condition, i.e., not showing signs of leakage or corrosion or any other deterioration/deformation? If No, list the accumulation areas where there are problems and the type of problems. *** PLEASE LIST ON THE LAST PAGE UNDER "COMMENTS".	✓		
6.4.E.1.a. 9.8.C.	30. Are the containers lined or made of materials compatible with hazardous waste placed into them so that the container will not react with, or otherwise be incompatible with, the hazardous wastes stored?	✓		
6.4.E.1.b.	31. Is the date upon which each period of accumulation begins clearly marked and visible for inspection on each container?	✓		
6.4.E.1.c.	32. Is the container labeled or marked clearly with the words "Hazardous Waste".	✓		
9.8.D.1.	33. Are all containers holding hazardous waste kept closed during storage except as necessary to add or remove waste? If No, list the locations where open containers are found. *** PLEASE LIST ON THE LAST PAGE UNDER "COMMENTS."	✓		
9.8.E.	34. Are the areas where hazardous waste containers are stored inspected by the owner/operator at least weekly?	✓		
9.8.F.	35. Are containers holding ignitable or reactive waste located at least 50 feet from the facility's property line?	✓		
9.8.G.1.	36. Are incompatible wastes placed in separate containers?	✓		
9.8.G.3.	37. Are storage containers holding hazardous wastes which are incompatible with any materials or other hazardous wastes stored nearby separated from the other materials or protected from them by means of dikes, berms, walls, or other devices?	✓		
6.4.E.3.a.	38. Does the generator have satellite accumulation areas where up to 55 gal of any one type of HW (1 QT acutely HW) are accumulated? If yes,	✓		
6.4.E.3.a.	A. Is the area located at or near the point of hazardous waste generation where the wastes initially accumulate?	✓		
6.4.E.3.a.(1) 9.8.B.	B. Are the containers in good condition?	✓		

PART/ SECTION	REGULATION	YES	NO	N/A
6.4.E.3.a.(1) 9.8.C.	C. Are the containers compatible with the waste?	✓		
6.4.E.3.a.(1) 9.8.D.1.	D. Are the containers kept closed except as necessary to add or remove waste?	✓		
6.4.E.3.a.(2)	E. Are the containers marked with the words "Hazardous Waste" or other words that identify the contents of the container? and	✓		
6.4.E.3.b.	F. Are amounts in excess of those allowed being accumulated in the satellite accumulation area? If yes,		✓	
6.4.E.3.b.	1) Has the generator marked the excess amount with the date the excess amount began accumulating?			✓
6.4.E.3.b.	2) Has the generator either removed the excess amount within three days of the date of excess accumulations or has he complied with all other provisions for accumulation areas? Namely, has he notified the Executive Director about the location of the accumulation area?			✓
	39. PLEASE LIST ANY NEWLY REGULATED WASTE THAT IS NOT LAND RESTRICTED (such as D018-D043, F032, F034 or F035) ON THE LAST PAGE UNDER "COMMENTS".			
15.1.A.2.	40. Does the facility generate, transport, treat, store or dispose any land-restricted wastes? (See VHWMR Part 15) ***	✓		
15.1.A.3.	41. Is land disposal of wastes occurring? If yes,		✓	
15.1.A.3.a.	A. Has the facility been granted an extension to the effective date for land restriction applicable to its restricted waste? OR			✓
15.1.A.3.b.	B. Has the facility been granted an exemption from prohibition pursuant to a petition for those land-restricted wastes and units covered by the petition? OR			✓
15.1.A.3.c.	C. Are the wastes hazardous only because they exhibit a hazardous characteristic and are they disposed outside the Commonwealth into an injection well without exhibiting any prohibited characteristic of hazardous waste at the point of injection?			✓
15.1.E.	42. Has the owner/operator submitted an application for case-by-case extension to the effective date of any applicable restriction?			✓
15.1.F.	43. Has the owner/operator been granted a petition seeking an exemption from a prohibition for the disposal of hazardous waste in a particular unit or units?		✓	
15.1.C.1.	44. Are facility representatives diluting the restricted waste or residual from treatment of the restricted waste as a substitute for adequate treatment, to circumvent the effective date of prohibition, to otherwise avoid a prohibition, or to circumvent a land disposal prohibition?		✓	

PART/ SECTION	REGULATION	YES	NO	N/A
15.1.D.1.	45. Is the facility treating land-restricted wastes in a surface impoundment or series of surface impoundments? (Note: Evaporation of hazardous constituents in a surface impoundment as the principal means of treatment is not considered to be an acceptable form of treatment for land restricted wastes.)		✓	
	46. If yes, does the facility meet the following requirements:			
15.1.D.1.b. 15.1.G. 15.3.C. 15.4. 15.3.	A. Are the residues of the treatment analyzed as specified in VHWMR § 15.1.G. or § 15.3.C. to determine if they meet the applicable treatment standards or VHWMR § 15.4. or where no applicable treatment standard exists, the applicable prohibition levels specified in VHWMR § 15.3?			✓
15.1.D.1.c. 9.10.B.1. 10.10.B.3.	B. Has the owner/operator installed two or more liners and a leachate collection system consisting of an upper and lower liner designed, constructed and operated to prevent the migration of any constituents through the liner?			✓
15.1.D.1.c. 10.5.	C. Is the facility in compliance with the applicable groundwater monitoring requirements of VHWMR § 10.5?			✓
15.1.D.1.d.	D. Has the owner/operator submitted a written certification to the Executive Director that the requirements of 15.1.D.1.c. have been met which states: "I certify under penalty of law that the requirements of 15.1.D.1.c. have been met for all surface impoundments being used to treat restricted wastes. I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." and			✓
15.1.D.1.d.	E. Has the owner/operator submitted a copy of the waste analysis plan for his restricted wastes accompanied by the above certification?			✓
15.1.G.1.a.	47. For restricted wastes which the generator is managing for which he has not met the applicable treatment standards, has the generator accompanied each shipment of waste with a notification to the treatment facility of the appropriate treatment standards and any applicable prohibitions?	✓		
	48. Did the notification include the following information:			
15.1.G.1. a.(1)	A. EPA Hazardous Waste Number?	✓		
15.1.G.1. a.(2)	B. The corresponding treatment standards and all applicable prohibitions set forth in VHWMR § 15.3.C.?	✓		
15.1.G.1. a.(3)	C. The manifest number associated with the shipment of waste? and	✓		
15.1.G.1. a.(4)	D. Waste analysis data, where available?	✓		

PART/ SECTION	REGULATION	YES	NO	N/A
15.1.G. 1.b.	49. For restricted wastes which the generator has determined can be land disposed without further treatment, has the generator accompanied each shipment of waste with a notification and certification to the land disposal facility that the waste meets the applicable treatment standards and the applicable prohibitions of VHWMR § 15.3.C.?	✓		
	50. Did the notification include the following information:			
15.1.G.1. b.(1)(a)	A. EPA Hazardous Waste Number?	✓		
15.1.G.1. b.(1)(b)	B. The corresponding treatment standards and all applicable prohibitions?	✓		
15.1.G.1. b.(1)(c)	C. The manifest number associated with the shipment of waste? and	✓		
15.1.G.1. b.(1)(d)	D. Waste analysis date, where available?	✓		
15.1.G.1. b.2.	51. Was the certification signed by an authorized representative, and did it state the following: "I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in VHWMR § 15.4. and all applicable prohibitions set forth in VHWMR § 15.3.C. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment."	✓		
15.1.G.1.c.	52. Has the generator received a case-by-case exemption on restricted waste, been granted an exemption through petition, or those wastes subject to a national variance, has the generator forwarded notice with the waste to the land disposal facility stating that the waste is exempt from the land disposal restrictions?			✓
15.1.G.1.g.	53. Does the generator retain on-site copies of all notices, certifications, demonstrations, waste analysis data, and other documentation for at least five years from the date the waste was last sent to on-site or off-site treatment, storage or disposal?	✓		
15.5.	54. Is the generator storing land restricted waste? (For one year storage only)		✓	
15.5.1.a.	55. If yes, is the storage on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal?			✓

Comments:

- 11. The information provided by facility staff substantially satisfied the requirements specified in 11.A-E however, it is recommended that facility staff develop a short summary addressing the information specified in 11.A-D and maintain it in the facility records.**
- 18. A revised contingency plan for the the facility was received by DEQ staff on September 30, 1998.**

DEQ staff received the TCLP analyses for the waste reg/solvent mixture generated at the facility on September 8, 1998. Based on these analyses, this waste stream apparently does not meet the characteristics of hazardous waste.

DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE DIVISION

SURVEY SHEET
FOR INSPECTION OF HAZARDOUS WASTE FACILITIES

NAME of FACILITY: Amp Incorporated

ADDRESS: 1175 N. Main Street, Harrisonburg, VA, 22801

EPA ID NUMBER: VAD 098444474

FACILITY

REPRESENTATIVE

AND TITLE: Mr. Bret Westcott, Environmental Coordinator

TELEPHONE NUMBER: (540) 433-3200

INSPECTOR'S NAME

AND TITLE: Russell Norman, Enforcement Compliance Specialist

DATE of INSPECTION: September 2, 1998

-
1. What is the business activity of the firm? (i.e., furniture mfg., metal plating, recycling, etc.)
Manufacturer of electrical and electronic connection devices - metal plating and assembly.

2. Give a brief description of the waste stream(s) [by chemical name, if possible] and hazardous waste code(s) generated by the firm.

Waste Flammable Liquids - Toluene and methanol - F003

Waste Acid - D002

Wastewater Treatment Sludge and Waste Potassium Chloride Resins - F006

Lead Fluoborate Contaminated Filters - D008

Fluorescent Tubes - D009

Waste Cyanides (resins, filters, and solutions) - F007

Waste Potassium Cyanide Solutions - F009/D003

Waste Corrosive Liquids (lead & tin fluoborate, fluoboric acid, methylsulfonic acid) - D002/D008

Waste debris (PVC and metal pipe, debris) - F006/F007

Waste Flammable Liquids (xylene, barium, ethanol) - D001/D005/F003

Waste Methylene Chloride - F001

Methylene Chloride Oil - F002

1,1,1-Trichloroethane - U226

Waste Formic Acid - U123/D002

Waste Corrosive Liquids (nickel sulfamate, cadmium) - D004/D006

Hazardous Waste Liquid (acetone, 1,1-Dichloroethane) - F001/F003/F005

Hazardous Waste Solid (acetone, 1,1-Dichloroethane) - F002/F003/F005

3. List the highest amounts of hazardous waste ever generated in any month of the calendar year and the greatest amount ever accumulated at the site of each type of waste generated.

Waste Code	Amount Generated (kg/mon.)*	Amount Accumulated (kg)
F003	Non-routine	181
D002	181	181
F006	3675	5080
D008	166	499
D009	Non-routine	91
F007	772	772
F009/D003	224	224
D002/D008	1082	2994
F006/F007	424	1174
D001/D005/F003	Non-routine	30 gal.
F001	Non-routine	125 gal.
F002	Non-routine	110 gal.
U226	Non-routine	8.6
U123/D002	Non-routine	4.5
D004/D006	Non-routine	645 gal.
F001/F003/F005	Non-routine	92.9
F002/F003/F005	Non-routine	1836

* These values may not be representative of actual monthly generation rates.

4. Does the facility ever generate greater than:
1 kg. of acutely toxic waste (P listed waste or
F020-F023 and F026-F027)? YES NO

100 kg of clean-up from a spill of P listed waste
or F020-F023 and F026-F027 waste? YES NO
If yes, then the facility is a large quantity generator.

5. How is the waste presently being handled? Where is it sent?
(List all transporters and facilities, or on-site treatment performed).

Transporters:

Advanced Environmental Technical Services, NJD080631369
MNI Maumee Express, NJD986607380
Tri-State Motor Transit Co., MOD0950389988 and MOD095098338
Eldredge Inc., PAD014146179
St. Joseph Motor Lines, PAD987358587
Clean Harbors Environmental Services Inc., MAD039322250
Freehold Cartage, NJD054126164
Dart Trucking Co. Inc., OHD009865825
Republic Environmental Systems, PAD982661381

TSDFs:

Advanced Environmental Technical Services, NJD986166338 and NJD980536593
Advanced Environmental Recycling Co., PAD937367216
World Resource Co., PAD981038227
Advanced Chemical Co., RID059735761
Sabin Metals Corporation, NYD067919340
Clean Harbors of Baltimore Inc., MDD980555189
Clean Harbors Services Inc., ILD000608471
AT&T Nassau Metals, NYD086225596
Republic Environmental Systems, PAD085690592
Clean Harbors of Connecticut Inc., CTD000604488
Spring Grove Resource Recovery, OHD000816629

6. Does the facility generate any hazardous waste that is excluded from regulation? If yes, list the waste and the basis for exclusion. YES NO

7. Does the facility:

Generate

Market

Burn

used oil that is burned for energy recovery? **Underline or circle all that are applicable.** (If the facility markets or burns used oil, fill out the **Used Oil Checklist**.) YES NO

Handled by Clean Harbors of Baltimore and Advanced Environmental Technical Services.

Does the generator of used oil to be burned for energy recovery (other than a **Conditionally Exempt Small Quantity Generator**) mix the used oil with hazardous waste? If YES, then fill out the **Used Oil Checklist**. YES NO

8. Does the facility generate any hazardous waste that is reclaimed to recover economically feasible amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these? YES NO

If Yes, list the waste, where it is sent, and complete the **Metals Recovery Checklist**.

9. Does the facility generate, transport, store, collect or reclaim spent lead-acid batteries? If yes, Underline or circle all that are applicable. If the facility stores batteries before reclaiming them, complete the **Metals Recovery Checklist**. YES NO

10. Based on the above, the facility is a:

- a. conditionally exempt small quantity generator
- b. small quantity generator
- c. generator**
- d. permitted or interim status TSD
- e. unpermitted TSD (explain in comments section)
- f. transporter
- g. other: please explain _____

[Underline or **Circle** All That Are Applicable]

11. Check accumulation times and quantities for the three types of generators. If the times or quantities are exceeded, then the facility is moved up to the next category. Complete the appropriate checklist(s).

A conditionally exempt small quantity generator can accumulate for an indefinite period of time until he has accumulated 1000 kg (approx. 5-55-gallon drums) of non-acute hazardous waste, at which time the accumulation time (180 days or 270 days) for small quantity generators begin.

Small quantity generators can accumulate hazardous waste for up to 180 days or 270 days if the disposal site is over 200 miles away (in containers and tanks only). However, if at any time over 6000 kgs of waste is accumulated, then the small quantity generator becomes a generator, or an unauthorized facility, as applicable.

12. List each container and tank accumulation area. Specify the number and capacity of each tank and container. [Note: Include any satellite accumulation areas. Verify that only 55 gallons of any particular hazardous waste code (or one quart of acutely toxic waste) is at that area.]

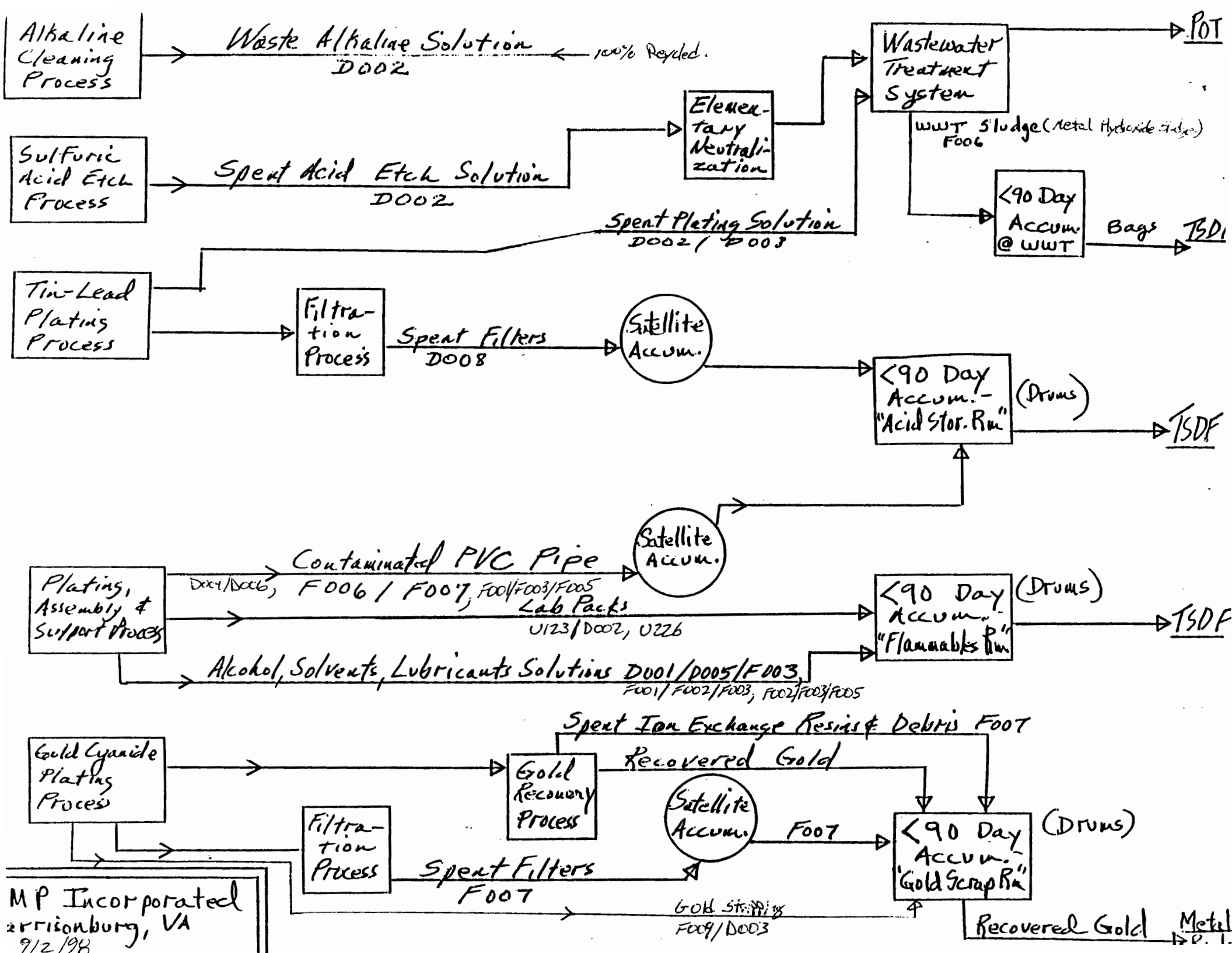
Location	Number of Containers	Capacity
<u>90 Day Accum.</u>		
Acid Room	9	55 gal.
Flammables Room	1	55 gal.
Gold Storage Room	9	55 gal.
WWT Room	2	1 cu. yd.
<u>Satellite Accum.</u>		
Plating Room , Tin/Lead	1	55 gal.
Plating Room, Gold	1	55 gal.
Plating Room, Processes	1	55 gal.

13. Comments:

14. Waste Management Flow Diagram:

(On this page sketch a brief, but detailed, flow diagram that includes how and where the waste is generated, the steps through a treatment system (if any), the steps through storage including satellite accumulation areas. Do this for each waste stream including excluded hazardous waste. Include any wastewater treatment facilities at the company, and verify the type of units included in the system, and any hazardous waste streams going to WWT.)

See Attached.



ACTION: R TABLEID: ARHT USERID: CUGI

*** RECEIVABLE HEADER INQUIRY TABLE ***

KEY IS TRANS CODE, DOC NUM

TRANS CODE: BD DOC NUM: 92126 SUB SFO: AP03 DOC TYPE:
ACCTS REC DATE: 06 30 92 COMMENTS:
PAYER CODE/NAME: MISC03 / AMP INC
ADDRESS: 1175 N. MAIN STREET

CITY: HARRISONBURG STATE: VI ZIP: 22801 -
COLL DUE DATE: 08 12 92 LAST BILL DATE/AMT: / 0.00
PRINT BILL: P BILL PRINT DATE: 07 13 92 BILLED AMT: 18,650.00
INT RATE: 6.000 INT APPLY DATE: 03 26 93 INTEREST AMT: 0.00
TEXT TYPE: ADM CHGS APPLY DATE: 03 26 93 ADM CHGS AMT: 0.00
WAIVER FLAG: PEN APPLY DATE: 03 26 93 PENALTY AMT: 0.00
DUNNING COUNT: 04 LAST DUN DATE: 11 13 92 TOTAL AMT: 18,650.00
OVERDUE STATUS: OVERDUE DATE: COLLECTED AMT: 18,650.00
WRITE-OFF FLAG: P WRITE-OFF DATE:
WRITE-OFF REASON: M WRITE-OFF AMT: 0.00 CASE HISTORY FLAG: Y
DOC CLOSING DATE: 03 19 93 CLOSED DOCUMENT AMT: 18,650.00
OVERPAYMENT CAUSE: REPRINT BILL AMT: 0.00

ACTION: R TABLEID: CRHT USERID: CUGI

*** CASH RECEIPT HEADER INQUIRY TABLE ***

KEY IS TRANS CODE, CR NUM

01-

TRANS CODE: CR CR NUM: 92126 DOC DATE: 08 31 92 CASH ACCT:
DEP #: 0392CD230 ACCMP DATE: 08 31 92 D.O.: PH03 CONFIRM DATE:
AMOUNT: 18,050.00 BILLED APPR: TV DATE: 08 31 92
ACCOUNT ID: SUBMITTING SFO: AP03

02-

TRANS CODE: CR CR NUM: 92126A DOC DATE: 03 19 93 CASH ACCT:
DEP #: 0393CD121 ACCMP DATE: 03 19 93 D.O.: PH03 CONFIRM DATE:
AMOUNT: 600.00 BILLED APPR: TV DATE: 03 19 93
ACCOUNT ID: SUBMITTING SFO: AP03

03-

TRANS CODE: CR CR NUM: 921264 DOC DATE: 05 18 92 CASH ACCT:
DEP #: 0392CD160 ACCMP DATE: 05 18 92 D.O.: PH03 CONFIRM DATE:
AMOUNT: 60.00 BILLED APPR: TV DATE: 05 18 92
ACCOUNT ID: SUBMITTING SFO: AP03



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

By Overnight Express Mail

MAY 20 1992

Douglas Brennan, Esquire
AMP, Incorporated
Mail Stop 081-001
P.O. Box 2608
Harrisburg, PA 17105

Dear Douglas Brennan:

Enclosed is the final consent agreement for AMP Inc.,
Harrisonburg, Virginia.

Please have the signature lines completed and return to me
as soon as possible for EPA signature.

I have enclosed a copy of the Consent Order which will be
signed by the EPA Regional Administrator.

If you have any questions, please call me at 215-597-5499.

Sincerely yours,

A handwritten signature in cursive script, reading "Cheryl L. Jamieson".

Cheryl L. Jamieson
Assistant Regional Counsel

cc: Robert Greaves, U.S. EPA
Seth Low, U.S. EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

January 15, 1992

Lydia Guy
Regional Hearing Clerk
U.S. EPA Region III
841 Chestnut Building
Philadelphia, PA 19107

Dear Ms. Guy:

Enclosed please find the original Status Report, Motion for an Extension of Time, and proposed order, to be filed this date.

Sincerely,

Cheryl L. Jamieson
Cheryl L. Jamieson
Assistant Regional
Counsel

Enclosures

cc: Douglas Brennan, Esq.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

By Overnight Express Mail

January 15, 1992

Honorable Henry B. Frazier, III
Chief Administrative Law Judge
Mail Code A-110
United States Environmental Protection Agency
401 M. Street, S.W.
Washington, D.C. 20460

Dear Judge Frazier,

Enclosed please find Complainant's Status Report, unopposed Motion for An Extension of Time, and a proposed order.

Respectfully,

Cheryl L. Jamieson

Cheryl L. Jamieson
Assistant Regional Counsel

Enclosures

cc: Douglas Brennan, Esq.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

RECEIVED

92 JAN 15 PM 2:11

REGIONAL HEARING CLERK
EPA, REGION III, PHILA, PA

IN THE MATTER OF:)
)
AMP INCORPORATED,) RCRA-III-232
)
RESPONDENT) STATUS REPORT

STATUS REPORT ON SETTLEMENT NEGOTIATIONS

Pursuant to the Consolidated Rules of Practice, 40 C.F.R. Part 22, and to the Order of this Court dated December 5, 1991, Complainant United States Environmental Protection Agency hereby reports on the status of the above-captioned case.

Counsel for EPA is authorized by Respondent's counsel to represent that both parties to this action have reached a settlement on all matters alleged in the Complaint. The parties are in the process of finalizing the Consent Agreement and Final Order for this matter. It is the parties' intention to have a signed Consent Agreement and Final Order submitted to the Court within the next two months.

Accordingly, the parties respectfully request in an attached motion, an extension of time to submit the signed Consent Agreement and Final Order, and a deferral on the filing of a pre-hearing exchange.

Date Jan 15, 1992

Cheryl L. Jamieson
Cheryl L. Jamieson
Assistant Regional Counsel
U.S. Environmental Protection Agency,
Region III



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

RECEIVED

92 JAN 15 PM 2:11

REGIONAL HEARINGS CLERK
EPA, REGION III, PHILA, PA

IN THE MATTER OF:)
) RCRA-III-232
AMP INCORPORATED,)
) MOTION FOR AN EXTENSION
RESPONDENT) OF TIME

Pursuant to the Consolidated Rules of Practice, 40 C.F.R. Part 22, and to the Order of this Court dated December 5, 1991, Complainant, United States Environmental Protection Agency (EPA), hereby requests an extension of time for the submission of the Consent Agreement and Final Order and the pre-hearing exchange for the above-captioned matter.

The parties have settled the matters alleged in the Complaint and are in the process of finalizing the language of the Consent Agreement and Final Order. Accordingly, the parties request that the time for the submission of the Consent Agreement and Final Order and the time for the filing of a pre-hearing exchange be extended from February 13, 1992 until April 15, 1992 to allow time for the finalization of the language of the Agreement and Order and for the signature processes of Complainant and Respondent.

Counsel for EPA is authorized by Respondent's Counsel to represent that Respondent, AMP Incorporated, joins in this motion.

Respectfully submitted,

Date Jan 15, 1992

Cheryl L. Jamieson
Cheryl L. Jamieson
Assistant Regional Counsel
U.S. Environmental Protection
Agency, Region III

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

AMP INCORPORATED

)
)
)
)

DOCKET NO. RCRA-III-232

ORDER GRANTING EXTENSION OF TIME

UPON CONSIDERATION of Complainant's unopposed Motion for an Extension of Time, and for good cause shown, it is ORDERED that the date for the submission of the Consent Agreement and Final Order, and the pre-hearing exchange described in the Notice and Order dated December 5, 1991 shall be made and filed on April 15, 1992.

Henry B. Frazier, III

Dated: _____

CERTIFICATE OF SERVICE

RECEIVED

92 JAN 15 PM 2: 12

I hereby certify that the original of this Status Report and of the Motion for an Extension of Time was hand delivered to the Regional Hearing Clerk, EPA Region III and that true and correct copies were sent in the following manner:

VIAN OVERNIGHT EXPRESS MAIL TO:

Honorable Henry B. Frazier, III
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Mail Code A-110.
401 M Street, S.W.
Washington, D.C. 20460

VIA OVERNIGHT EXPRESS MAIL TO:

Douglas Brennan, Esq.
AMP, Incorporated
Mail Stop 081-001
P.O. Box 3608
Harrisburg, PA 17105

Date

Jan 15, 1992

Cheryl L. Jamieson

Cheryl L. Jamieson
Assistant Regional Counsel
U.S. Environmental Protection
Agency, Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

SUBJECT: AMP, Inc.

DATE: August ³⁰/₂₅, 1991

FROM: Lawrence Falkin, Chief *LF*
State Enforcement Section (3HW62)

TO: Seth Low, Chief
Virginia Section (3RC31)

Attached is the draft Administrative Complaint and penalty justification worksheet for Amp, Inc. Please assign a staff attorney to the case as soon as possible.

Once you assign an attorney, please inform Sheila Briggs at x8338.

S. Probably Cheryl Jamieson.
L.

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In Re:)	Docket No. RCRA-III-
)	
AMP, Inc.)	Complaint, Compliance
1175 N. Main Street)	Order and Notice of
Harrisonburg, Virginia 22801)	Opportunity for Hearing
EPA I.D. No. VAD098444474)	

RESPONDENT

I. INTRODUCTION

This Complaint, Compliance Order and Notice of Opportunity for Hearing ("Complaint") is filed pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Section 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The Complainant is the Associate Director, Office of RCRA Programs, Hazardous Waste Management Division, United States Environmental Protection Agency, Region III ("EPA"). Respondent is AMP, Incorporated, located in Harrisonburg, Virginia ("Respondent").

Respondent is hereby notified of EPA's determination that it has violated Subtitle C of RCRA, 42 U.S.C. Sections 6921-6939b, and regulations thereunder at 40 C.F.R. Part 260-270.

On December 18, 1984, pursuant to Section 3006(b) of RCRA, 42 U.S.C. Section 6926(b), and 40 C.F.R. Part 271, Subpart A, the Commonwealth of Virginia ("Virginia") was granted final authorization to administer a state hazardous waste management program in lieu of the federal hazardous waste management program established under Subtitle C of RCRA, 42 U.S.C. Sections 6921-6939b. The provisions of the Virginia hazardous waste management program, through this final authorization, have become requirements of Subtitle C of RCRA and are, accordingly, enforceable by EPA pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. Section 6928(a) and (g).

Virginia has not been granted authorization to administer its hazardous waste management program in lieu of certain provisions of the Hazardous and Solid Waste Amendments ("HSWA") enacted on November 8, 1984 (Pub. Law No. 98-616), which amended Subtitle C of RCRA. These provisions are enforceable in Virginia exclusively by EPA. To the extent that factual allegations or legal conclusions set forth in the Complaint are based on provisions of Virginia's hazardous waste management program authorized in 1984, Virginia's authorized regulations are cited as authority for such allegations or conclusions. Any analogous provisions of the Federal hazardous waste management

program under Subtitle C of RCRA are cited thereafter for convenience. Factual allegations or legal conclusions based solely on provisions of the Federal hazardous waste management program added or amended by HSWA cite those federal provisions as authority for such allegations or conclusions.

EPA has given Virginia prior notice of the issuance of this Complaint in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. Section 6928(a)(2).

II. COMPLAINT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is a corporation doing business in the Commonwealth of Virginia and is a "person" as defined in Section 2.134 of the Virginia Hazardous Waste Management Regulations ("VHWMR"), and 40 C.F.R. Section 260.10.
2. Respondent owns and operates a business located on 1175 N. Main Street, Harrisonburg, Virginia ("the Facility"). As part of this business, Respondent conducts electroplating operations.
3. Respondent submitted a Notification of Hazardous Waste Activity ("Notification") to EPA on October 28, 1983 pursuant to Section 3010(a) of RCRA, 42 U.S.C. Section 6930(a). In the Notification, Respondent indicated that it generated, treated, stored, and disposed of hazardous wastes having the hazardous waste numbers F001, F006, F007, F008, and F009. Each of these wastes is a "hazardous waste" as that term is defined in VHWMR Section 2.80 and Appendix 3.1 of Section 3.00 and 40 C.F.R. Sections 260.10 and 261.3.
4. EPA acknowledged Respondent's Notification and assigned Respondent the EPA identification number VAD 09 844 4474.
5. Respondent is a "generator" as that term is defined in 25 VHWMR Section 2.77 and 40 C.F.R. Section 260.10.
6. On October 24, 1983, Respondent submitted a Part A permit application ("Part A") to EPA. Respondent did not sign the Part A and stated, "it is very probable that this AMP facility will have ...waste removed from on-site before the 90 day storage period."
7. 40 C.F.R. 270.11(b) provides, in pertinent part, that all permit applications for corporations shall be signed by a responsible corporate officer.
8. The Facility is not an "existing hazardous waste management facility" as that term is defined in 25 VHWMR Section 2.77 and 40 C.F.R. Section 260.10 and failed to qualify for interim status in

accordance with VHWMR Section 11.03.01 (40 C.F.R. Section 270.70).

9. On November 28, 1990, representatives of the Virginia Department of Waste Management ("VDWM") conducted an inspection of the Facility and observed a number of violations of the Federal and state hazardous waste management regulations.

COUNT I

This count refers to shipments of D008 waste before August 8, 1990.

10. The allegations of Paragraphs 1 through 9 of the Complaint are incorporated herein by reference.

11. 40 C.F.R. Section 268.7(a) provides that, except as provided in 40 C.F.R. Section 268.32 or 268.43 (which are not applicable to this case), a generator must test its waste or an extract developed using the test method described in Appendix I of 40 C.F.R. Part 268 or use its knowledge of the waste to determine if the waste is restricted from land disposal under 40 C.F.R. Part 268.

12. At the time of the inspection referred to in paragraph 9, above, the Facility was generating hazardous waste having the EPA hazardous waste numbers D008/F007.

13. Respondent classified the hazardous wastes referred to in paragraph 12, above, as hazardous wastes having the EPA hazardous waste number D008 on the following manifests associated with off-site shipments of the hazardous wastes: **I'll insert the manifest numbers when I receive the 3007 response.**

14. At the time Respondent shipped off-site each shipment described in paragraph 13, above, land disposal restrictions were not applicable to the Facility's D008 wastes. **I'll make sure the D008 waste was not a California waste.**

15. At the time Respondent shipped off-site each shipment described in paragraph 13, above, land disposal restrictions were applicable to F007 wastes pursuant to 40 C.F.R. Section 268.34.

16. Respondent failed to determine that the wastes shipped off-site as D008 as described in paragraph 13, above, were wastes having the EPA hazardous waste number F007 and were restricted from land disposal.

17. Respondent violated 40 C.F.R. Section 268.7(a) by failing to test its waste or an extract developed using the test method described in Appendix I of 40 C.F.R. Part 268 or use its

knowledge of the waste to determine if the waste is restricted from land disposal under 40 C.F.R. Part 268.

Count II

This count refers to D008 waste shipped after August 8, 1990.

18. The allegations of Paragraphs 1 through 17 of the Complaint are incorporated herein by reference.

19. 40 C.F.R. Section 268.7(a)(1) requires that if a generator determines that it is managing a restricted waste under 40 C.F.R. Part 268 and the waste does not meet the applicable treatment standards set forth in Subpart D of that Part or exceeds the applicable prohibition levels set forth in 40 C.F.R. Section 268.32 or Section 3004(d) of RCRA, 42 U.S.C. Section 6924(d), with each shipment of waste, the generator must notify the treatment or storage facility in writing of the appropriate treatment standards set forth in 40 C.F.R. Part 268, Subpart D and any applicable prohibition levels set forth in 40 C.F.R. Section 268.32 or Section 3004(d) of RCRA.

20. At the time of the inspection referred to in paragraph 9, above, Respondent had land disposal restriction ("LDR") notifications on-site for the following off-site shipments of D008/F007 hazardous wastes referred to in paragraph 12, above: **I'll insert the manifests when I get the 3007 response.**

21. Respondent determined that the wastes shipped with the manifests referred to in paragraph 20, above, were hazardous wastes having EPA hazardous waste number D008 which are restricted from land disposal under 40 C.F.R. Part 268 and the wastes did not meet the applicable prohibition levels set forth in 40 C.F.R. Part 268, Subpart D and any applicable prohibition level set forth in 40 C.F.R. Section 268.32 or Section 3004(d) of RCRA.

22. Respondent provided each treatment, storage and/or disposal facility receiving any of the shipments of waste referred to in paragraph 18, above, with written LDR notifications stating that the wastes were restricted from land disposal and providing the treatment standards for hazardous wastes having the hazardous waste number D008.

23. Respondent failed to provide each treatment, storage and/or disposal facility receiving any of the shipments of waste referred to in paragraphs 20, above, with written LDR notifications stating that the wastes were restricted from land disposal and providing the treatment standards for hazardous wastes having the hazardous waste number F007.

24. Respondent failed to notify each treatment, storage and/or disposal facility referred to in paragraphs 22 and 23, above, in writing of the appropriate treatment standards set forth in 40 C.F.R. Part 268, Subpart D or applicable prohibition levels set forth in 40 C.F.R. Section 268.32 or Section 3004(d) of RCRA in the LDR notifications described in paragraphs 22 and 23, above, as required by 40 C.F.R. Section 268.7(a)(1).

25. Respondent violated 40 C.F.R. Section 268.7(a)(1) by failing to notify each treatment and/or storage facility in writing of the appropriate treatment standards and any applicable prohibition levels for each LDR hazardous waste shipped offsite under the manifests referred to in paragraph 21, above, and accompanied by the LDR notifications referred to in paragraphs 22 and 23, above.

Count III

26. The allegations of Paragraphs 1 through 25 of the Complaint are incorporated herein by reference.

27. 40 C.F.R. Section 268.7(a)(1) provides that if a generator determines that it is managing a restricted waste under 40 C.F.R. Part 268 and the waste does not meet the applicable treatment standards set forth in 40 C.F.R. Part 268, Subpart D or exceeds the applicable prohibition levels set forth in 40 C.F.R. Section 268.32 or RCRA Section 3004(d), then with each shipment of waste the generator must notify the treatment or storage facility receiving the waste of the appropriate treatment standards for the waste as set forth in 40 C.F.R. Part 268, Subpart D, and any applicable prohibition levels set forth in 40 C.F.R. Section 268.32 or RCRA Section 3004(d).

28. 40 C.F.R. Section 268.7(a)(2) provides that if a generator determines that it is managing a restricted waste under 40 C.F.R. Part 268 and determines that the waste can be land disposed without further treatment, then, with each shipment of waste, he must submit to the land disposal facility a notice and a certification stating that the waste meets the applicable treatment standards as set forth in 40 C.F.R. Section 268, Subpart D and applicable prohibition levels set forth in 40 C.F.R. Section 268.32.

29. Respondent determined that the D008 waste generated by Respondent and shipped off-site under the following manifests was restricted from land disposal and that such wastes either did not meet the applicable treatment standards set forth in 40 C.F.R. Part 268, Subpart D, exceeded the applicable prohibition levels set forth in 40 C.F.R. Section 268.32 or RCRA Section 3004(d), or could be land disposed without further treatment: I'll insert the

manifests when I get the 3007 response.

30. In an August , 1991 letter to Respondent, EPA requested, pursuant to Section 3007(a) of RCRA, that Respondent furnish copies of all certifications and/or written notifications which were required to be provided under 40 C.F.R. Section 268.7(a) to the treatment, storage or disposal facility by Respondent with all waste shipments after November 8, 1986. In response to EPA's request, Respondent did not provide EPA with written notifications and/or certifications for the off-site shipments referred to in paragraph 29, above.

31. Respondent violated 40 C.F.R. Section 268.7(a)(1) and/or (2) by failing to send the required written notification and/or certification to the receiving treatment, storage or disposal facility for the off-site shipments of land disposal restricted waste referred to in paragraph 29, above.

COUNT IV

(Plead in the Alternative to Count III)

32. The allegations of Paragraphs 1 through 31 of the Complaint are incorporated herein by reference.

33. 40 C.F.R. Section 268.7(a)(6) requires a generator to retain on-site a copy of all written notifications and/or certifications produced pursuant to 40 C.F.R. Section 268.7 for at least five years from the date that the waste subject to such documentation was last sent to on-site or off-site treatment, storage or disposal.

34. In response to the August , 1991 letter referred to in paragraph 30, above, Respondent did not provide EPA with written notifications and/or certifications for the off-site shipments of land disposal restricted waste referred to in paragraph 29, above.

35. Respondent failed to retain on-site written notifications and/or certifications produced pursuant to 40 C.F.R. Section 268.7(a)(1) and/or (2) for the off-site shipments of land disposal restricted waste referred to in paragraph 29, above.

36. Respondent violated 40 C.F.R. Section 268.7(a)(6) by failing to retain on-site copies of all written notifications and/or certifications required to be produced pursuant to 40 C.F.R. Section 268.7(a)(1) and/or (2) for at least five years from the date that the waste was last sent to on-site or off-site treatment, storage or disposal.

Count V

37. The allegations of Paragraphs 1 through 36 of the Complaint are incorporated herein by reference.

38. 40 C.F.R. Section 268.50(a) provides, in pertinent part, that except as provided in 40 C.F.R. Section 268.50, the storage of hazardous wastes restricted from land disposal under 40 C.F.R. Part 268, Subpart C of Section 3004 of RCRA is prohibited, unless the following conditions are met:

(1) A generator who stores such wastes in tanks or containers on-site solely for the purpose of accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generation complies with the requirements in 40 C.F.R. Section 262.34.

* * *

39. VHWMR Section 6.05.05(b) (40 C.F.R. Section 262.34(b)) provides that a generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of VHWMR Sections 9.00 or 10.00 and 11.00 (40 C.F.R. Parts 264 and 265 and 270) unless it has been granted an extension to the 90 day period.

40. VHWMR Section 11.01 (Section 3005(a) of RCRA, 42 U.S.C. Section 6925(a) and 40 C.F.R. Section 270.1(b)) provides that the VHWMR requires a permit for the treatment, storage, or disposal of any hazardous waste unless specifically excluded by the VHWMR.

41. VHWMR Section 11.01.02 (40 C.F.R. Section 270.1(c)(2)(i)) provides, in pertinent part, that generators who accumulate hazardous waste on-site for less than 90 days as provided in VHWMR Section 6.05.05 (40 C.F.R. Section 262.34) are not required to obtain a hazardous waste management permit.

42. At the time of the inspection referred to in paragraph 9, above, Respondent was storing six drums of hazardous wastes having hazardous waste numbers F001, F003, and F006 for more than ninety (90) days without interim status or a permit.

43. At the time Respondent was accumulating the hazardous waste referred to in paragraph 42, above, land disposal restrictions were applicable to hazardous waste having hazardous waste numbers D001, D008, F001, F002, and F007 pursuant to 40 C.F.R. Sections 268.30, 268.34, and 268.35.

44. Respondent failed to qualify for the exclusion from the requirement to have a permit or interim status set forth in VHWMR Section 6.05.05(b) (40 C.F.R. Section 262.34(b)).

45. Respondent does not have a permit or interim status to store hazardous waste at the Facility.

46. Respondent violated 40 C.F.R. Section 268.50 by storing hazardous wastes restricted from land disposal at the Facility without complying with the requirements in 40 C.F.R. Section 262.34.

III. COMPLIANCE ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. Section 6928(a), Respondent is hereby ordered to:

1. Within fifteen (15) days following receipt of this Complaint, perform the waste analyses required under 40 C.F.R. Section 268.7(a) to determine if each waste the Facility generates is restricted from land disposal.
2. Within fifteen (15) days of receipt of this Complaint, furnish to each treatment, storage, or disposal facility which received any shipment of land disposal restricted hazardous waste listed in paragraphs 20 and 29, above, written notifications and/or certifications which set forth the applicable treatment standards or prohibition levels for the wastes shipped with the degree of specificity as required under 40 C.F.R. Section 268.7(a)(1) and/or (2). Include with such written notifications and/or certifications a written explanation informing each facility that such documentation is being transmitted under a Compliance Order issued to Respondent by EPA.
3. Within fifteen (15) days following receipt of this Complaint, furnish written notifications and/or certifications required under 40 C.F.R. Section 268.7(a), as applicable, to each treatment, storage or disposal facility that received Respondent's land disposal restricted waste but did not receive such written notification and/or certification with the original shipments of such wastes. Include with the written notification and/or certification a written explanation informing the facilities that such documentation is being transmitted under a Compliance Order issued to Respondent by EPA.
4. At all times following receipt of this Complaint, retain on-site copies of all notices, certifications, demonstrations, waste analyses, data, and other documentation required to be produced pursuant to 40 C.F.R. Section 268.7, for at least five years from the date that the waste subject to such documentation is last sent to on-site or off-site treatment, storage or disposal in accordance with 40 C.F.R. Section 268.7(a)(6).

5. At all times following receipt of this Complaint, cease storing hazardous wastes restricted from land disposal at the Facility unless the Facility complies with the requirements in 40 C.F.R. Section 262.34; or obtains a permit to store hazardous waste and complies with 40 C.F.R. Section 268.50.

6. Within 30 days of receipt of this Complaint, submit to EPA a written determination as to whether Respondent intends to submit an application for a permit to store hazardous waste at the Facility. If Respondent determines that no hazardous waste treatment permit is necessary, then the written determination shall include an explanation of how Respondent will prevent on-site storage of hazardous waste without interim status or a permit. If Respondent determines that it requires a hazardous waste storage permit, it shall apply for a permit within 30 days of the effective date of this Agreement.

7. Within forty-five (45) days of receipt of this Complaint, submit to EPA a written report and certification signed by a responsible corporate official, as that term is defined in 40 C.F.R. Section 270.11(a), stating whether or not the Facility has complied with the activities set forth in paragraphs 1, 2, 3, and 6 above and describing the steps taken to correct the violations referred to above. The certification shall include the language specified in 40 C.F.R. Section 270.11(d).

Any violation of this Compliance Order or further violations of Subtitle C of RCRA may subject Respondent to further administrative, civil and/or criminal enforcement actions, including the imposition of civil penalties and criminal fines and/or imprisonment, as provided in Section 3008 of RCRA, 42 U.S.C. Section 6928.

IV. CIVIL PENALTY ASSESSMENT

Pursuant to Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. Section 6928(a)(3) and (g), EPA proposes the assessment of a civil penalty against the Respondent for:

(a) COUNT I:

Failure to test waste or use its knowledge of the waste to determine if the waste is restricted from land disposal under 40 C.F.R. Part 268 as required by 40 C.F.R. Section 268.7(a):

maj/maj

\$22,500

- (b) COUNT II:
Failing to notify each treatment and/or storage facility in writing of the appropriate treatment standards and any applicable prohibition levels for each LDR hazardous waste shipped offsite as required by 40 C.F.R. Section 268.7(a)(1):
mod/mod each @ \$6,500
- (c) COUNT III:
Failure to furnish written notifications and/or certifications to the receiving facility with each shipment of land disposal restricted waste as required by 40 C.F.R. Section 268.7(a)(1) or (2):
maj/mod each @ \$9,500
- (d) COUNT IV: (Plead in the alternative to Count III)
Failure to retain copies of each written notification and/or certification associated with off-site shipments of land disposal restricted waste as required by 40 C.F.R. Section 268.7(a)(6):
maj/min each @ \$2,000
- (e) COUNT V:
Storing hazardous wastes restricted from land disposal at the Facility without complying with the requirements in 40 C.F.R. Section 268.50:
\$9,500 (mod/maj) + \$700 x 179 (multi-day) \$134,800

The appropriateness of the proposed penalty is based upon facts as set forth in the Complaint; the nature, circumstances, extent, and gravity of the violation; and the RCRA Civil Penalty Policy issued by EPA on May 8, 1984. Payment of the penalty may be made by sending a cashier's check, payable to the United States of America, to:

Regional Hearing Clerk
EPA Region III
P.O. Box 360515M
Pittsburgh, Pennsylvania 15251

A copy should be simultaneously transmitted to:

Regional Hearing Clerk (3RC00)
EPA Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

V. OPPORTUNITY TO REQUEST A HEARING

Respondent has the right to request a hearing to contest any matter of law or material fact set forth in the Complaint and Compliance Order, the appropriateness of the assessed penalty, or the terms of the Compliance Order. To request a hearing, Respondent must file a written Answer to the Complaint with the Regional Hearing Clerk (3RC00), EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, within thirty (30) days of receipt of this Complaint. The Answer should clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint of which the Respondent has any knowledge. The Answer should contain: (1) a statement of the facts which constitute the grounds of defense; (2) a concise statement of the facts which Respondent intends to place at issue in the hearing; and (3) a request for a hearing, if Respondent desires a hearing. The denial of any material fact or the raising of any affirmative defense shall be construed as a request for a hearing. All material facts not denied in the Answer will be considered admitted.

If the Respondent fails to file a written Answer within thirty (30) days of receipt of this Complaint, such failure shall constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing on such factual allegations. Failure to file a written Answer may result in the filing of a Motion for Default Order imposing the penalties herein and ordering compliance with the terms of the Compliance Order without further proceedings.

Any hearing requested by Respondent will be held at a location to be determined at a later date pursuant to regulation 40 C.F.R. Section 22.21(d). The hearing will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. Sections 551-559 and the Consolidated Rules of Practice, 40 C.F.R. Part 22. A copy of these rules is attached.

VI. SETTLEMENT CONFERENCE

Complainant encourages settlement of the proceedings at any time after issuance of the Complaint if such settlement is consistent with the provisions and objectives of RCRA. Whether or not a hearing is requested, Respondent may request a settlement conference with the Complainant to discuss the allegations of the Complaint, and the amount of the proposed civil penalty. However, a request for a settlement conference does not relieve the Respondent of its responsibility to file a timely Answer.

In the event settlement is reached, its terms shall be expressed in a written Consent Agreement prepared by Complainant, signed by the parties, and incorporated into a Final Order signed by the Regional Administrator. The execution of such a Consent Agreement shall constitute a waiver of Respondent's right to a hearing on any issues of law, fact, or discretion or the amount of any penalties agreed to in the Consent Agreement.

The staff attorney assigned to this case is . If you wish to arrange an informal settlement conference, please contact at (215) 597- prior to the expiration of the thirty (30) day period following the receipt of the Complaint. Once again, however such a request for an informal conference does not relieve Respondent of its responsibility to file an Answer within the (30) days following Respondent's receipt of this Complaint.

Dated: _____

Bruce P. Smith, Associate Director
Office of RCRA Programs,
Hazardous Waste Management Division

AMP PENALTY JUSTIFICATION

COUNT I Failure to test waste or use its knowledge of the waste to determine if the waste is restricted from land disposal under 40 C.F.R. Part 268 as required by 40 C.F.R. § 268.7(a):

Potential for Harm: **Major** - AMP's failure to use its waste analyses or knowledge of its electroplating waste to determine that the waste was restricted from land disposal created a major potential for harm. By failing to determine that the electroplating waste was restricted from land disposal, AMP potentially allowed such waste to be improperly managed creating a substantial potential for LDR waste to be land disposed without meeting its treatment standards. AMP's actions had a substantial adverse effect on the statutory and regulatory purposes for implementing the RCRA program.

Extent of Deviation: **Major** - It is a substantial deviation from the regulations for a facility to fail to use its waste analyses or knowledge of its wastes to determine that the waste is restricted from land disposal. The LDR waste determination is an indispensable step for a facility to comply with the substantive LDR requirements. AMP completely failed to meet this requirement thus rendering the requirement inoperative to a major degree.

Adjustment Factors: The information currently available to EPA does not justify use of the discretionary adjustment factors to modify the assessed penalty amount.

Economic Benefit: Not applicable to this count.

Penalty Chosen: \$22,500

Count II Failure to provide appropriate prohibition levels on LDR notifications as required by 40 C.F.R. Section 268.7(a)(1): \$

Potential for Harm: **Moderate** - AMP's failure to provide the specific treatment standards/prohibition levels on each notification described in Count II of the Complaint, associated with off-site shipments of LDR waste, created a moderate potential for harm. Each such notification did not notify the receiving facility that the shipment included F007 waste. Different treatment standards exist for AMP's D008 and F007 LDR wastes. Prior to land disposal D008 must be treated for lead, while F007 must be treated for cadmium, chromium, lead, nickel, and silver. Thus, when AMP failed to identify F007 on each notification, the receiving facility did not know which treatment standard to apply.

However, the violation creates a moderate potential for harm because AMP did notify the receiving facility that the waste was LDR and the receiving Facility's tests for lead in D008 would have most likely identified the other heavy metals in the waste.

Extent of Deviation: **Moderate** - AMP did provide the receiving facilities with a LDR notification for each shipment of LDR waste referred to in Count II of the Complaint. Thus, by failing to include F007 on each notification, AMP made a moderate deviation from the applicable requirements.

Adjustment Factors: The information currently available to EPA does not justify use of the discretionary adjustment factors to modify the assessed penalty amount.

Economic Benefit: Not applicable to this count.

Penalty Chosen: \$6,500 x (number of shipments)

COUNT III Failure to furnish written notifications and/or certifications to the receiving facility with each shipment of land disposal restricted waste as required by 40 C.F.R. § 268.7(a)(1) or (2):

Potential for Harm: **Moderate** - AMP's failure to notify the receiving facility that its waste was restricted from land disposal created a moderate potential for harm. Due to AMP's failure the receiving facility was not notified whether AMP's electroplating waste met the appropriate treatment standards or not. The violation creates a potential for substantial harm because the electroplating waste may have been land disposed without meeting the required treatment standards. In this case the potential for harm is reduced to moderate, because AMP did manifest the waste off-site to the receiving facility as D008 waste. The high probability that the receiving facility tested the D008 waste based on LDR treatment standards reduces the potential for harm. AMP's actions had a significant adverse effect on the statutory and regulatory purposes for implementing the RCRA program.

Extent of Deviation: **Major** - It is a substantial deviation from the regulations for a generator to fail to notify a receiving facility that its waste is restricted from land disposal. The LDR notification requirements are essential to proper management of LDR waste and, as a record keeping device, LDR notifications are essential as verification a facility has complied with substantive LDR requirements. AMP completely failed provide LDR notifications. This failure rendered the requirement violated inoperative to a major degree.

Adjustment Factors: The information currently available to EPA does not justify use of the discretionary adjustment factors to modify the assessed penalty amount.

Economic Benefit: Not applicable to this count.

Penalty Chosen: \$9,500 x (number of shipments)

COUNT IV: Failure to retain on-site copies of written notifications and/or certifications associated with off-site shipments of land disposal restricted waste as required by 40 C.F.R. Section 268.7(a)(7) (In the alternative to Count III): \$

Potential for Harm: **Minor** - AMP's failure to retain each of the LDR notifications, described in Count III of the Complaint, on-site created a minor potential for harm. By retaining notifications on-site, facilities demonstrate to EPA that the facility's LDR waste was managed correctly. Failure to retain a notification has a minor adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program because when a notification is not available for EPA to inspect, EPA must expend additional resources to verify that the waste associated with the notification was managed properly.

Extent of Deviation: **Major** - It is a substantial deviation from the regulations to fail to retain a LDR notification on-site. The LDR record keeping requirements are essential to EPA to determine whether a facility has complied with substantive LDR requirements. AMP completely failed to meet this requirement by not retaining a copy of each LDR notification, cited in Count III of the Complaint, on-site. This failure rendered the requirement violated inoperative to a major degree.

Adjustment Factors: The information currently available to EPA does not justify use of the discretionary adjustment factors to modify the assessed penalty amount.

Economic Benefit: Not applicable to this Count.

Penalty Chosen: \$2,000 x (number of shipments) = \$

COUNT V Storing hazardous wastes restricted from land disposal at the Facility without complying with the requirements in 40 C.F.R. § 268.50: \$196,500

Potential for Harm: **Moderate** - It was the intent of the RCRA LDR regulations to provide maximum protection of human health and the environment by requiring facilities which generate hazardous waste restricted from land disposal to

store such waste for less than ninety days or to obtain a permit for greater than 90 day storage. Inherent risks posed by the storage of hazardous waste restricted from land disposal include spillage on the land, container failure and accidental exposure to such waste. AMP, at the time of the VDWM inspection on November 28, 1990 was storing at least six containers of hazardous waste restricted from land disposal on-site for more than ninety days without a permit or without having interim status. AMP's storage practices posed a significant threat to human health and the environment based on the low number of drums stored for more than ninety days.

Extent of Deviation: Major - To the extent that a generator employs methods of storing hazardous waste restricted from land disposal which fail to meet the requirements set forth in 40 C.F.R. § 268.50, such generator is placed in the category of a storage facility. Storage facilities must have a permit to store hazardous waste. This permit requirement is one of the cornerstones of the RCRA program. AMP substantially deviated from the requirements when it stored containers of hazardous waste restricted from land disposal for more than ninety days without a permit or interim status. Such storage rendered the requirement, that each facility generating hazardous waste shall comply with the storage requirements under LDR, inoperative to a major degree.

Adjustment Factors: The information currently available to EPA does not justify use of the discretionary adjustment factors to modify the assessed penalty amount.

Multi-day: Multi-day penalties are mandatory for days numbered 2-180 of a violation constituting a moderate potential for harm and a major deviation from RCRA or its regulatory requirements. Multi-day penalties for 181+ days are discretionary.

At the time of the VDWM inspection on November 28, 1990, the VDWM observed the following drums of hazardous waste stored at AMP:

- 2 drums of F006 dated 8/6/1990
- 3 drums of F003 dated 5/17/1990; 8/16/1990; 3/23/1989
- 1 drum of F001 dated 7/19/1990

In this case, a multi-day penalty for 2-180 days for this violation is sufficient to promote prompt compliance and deter continuing non-compliance. Thus, a multi-day penalty has been calculated for days numbered 2-180.

Economic Benefit: Not applicable to this Count.

Penalty Chosen: \$9,500 (mid-point of range) + (\$700 x 179)
= \$134,800 (\$700 is near the low point of the matrix for a violation constituting a moderate potential for harm and a major deviation. \$700 was chosen because only six drums were stored for more than ninety days. The violation was not reduced to the low point, \$400, because the requirement for a generator to store LDR waste for less than ninety days is an integral part of the LDR program.)



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Peter W. Schmidt
Director

116 N. Main Street
P. O. Box 268
Bridgewater, Virginia 22812
(703) 828-2595

R. Bradley Chewing
Regional Director

October 28, 1994

Mr. Brett L. Wescott
AMP, Inc.
1175 North Main Street
Harrisonburg, Virginia 22801

Re: Compliance Evaluation Inspection
AMP, Inc., Harrisonburg, Virginia
EPA ID No. VAD098444474

Dear Mr. Wescott:

This is in response to your letters dated April 4, and July 15, 1994, concerning the hazardous waste compliance evaluation inspection conducted at your facility on March 15, 1994.

Your facility's response fully satisfies the compliance deficiencies noted in my letter of June 21, 1994.

Thank you for your responsiveness to this matter.

If you have questions, please call me at (703) 828-2595.

Sincerely,

A handwritten signature in cursive script that reads "C. Ronald Smith".

C. Ronald Smith
Regional Compliance Manager--Waste

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

SUBJECT: Consent Agreement and Consent Order
Amp Inc., Harrisonburg, Virginia
Docket No. RCRA-III-232

FROM: Kathie A. Stein
Acting Regional Counsel (3RC00)

Thomas C. Voltaggio, Director
Hazardous Waste Management Division (3HW00)

TO: Edwin B. Erickson
Regional Administrator (3RA00)

The attached Consent Agreement and Consent Order (CACO) has been negotiated in settlement of a Resource Conservation and Recovery Act (RCRA) Section 6928(a) administrative complaint against Amp Inc. located in Harrisonburg, Virginia (Respondent). This CACO resolves EPA's findings that the Respondent violated Section 3008(a) of RCRA, 42 U.S.C. § 3008(a) by failing to comply with certain provisions of the Land Disposal Restrictions at 40 C.F.R. Part 268.

The proposed settlement consists of a cash payment of \$18,650 due within thirty (30) days of Respondent's receipt of the Consent Order. The proposed penalty and settlement is in accordance with EPA's RCRA Civil Penalty Policy, October 1990. The penalty proposed in the administrative Complaint was \$60,650 based on five violations of the Land Disposal Restrictions, 40 C.F.R. Part 268. During settlement negotiations, EPA received additional information from Respondent concerning Respondent's gold plating line process. The information received caused EPA to revise the proposed penalty to \$18,650. The revision of the proposed civil penalty was done in accordance with the RCRA Civil Penalty Policy.

All Consent Orders must be executed by the Regional Administrator pursuant to 40 C.F.R. § 22.18(c). We request that you sign the attached Consent Agreement and Consent Order and then return the documents to the Office of Regional Counsel for further processing.

Attachments

cc: Douglas Brennan, Esq., Counsel for Respondent